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Malta

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I. Introduction

1. The advancement and protection of human rights is an inherent aspect of Maltese politics, legislation and way of life. Malta continues to uphold the fundamental values enshrined in the universal declaration of human rights, and its subsequent covenants. These values are deeply enshrined in Maltese society, secured in the Constitution and protected by the various bodies entrusted with the protection and promotion of human rights. Malta continues to do its utmost to further the implementation of human rights instruments and to widen their reach, with a view to ensuring universal respect for and protection of human rights.

2. Malta is party to numerous human rights Conventions[1] that bolster its position in protecting and promoting human rights. The Maltese Government has, over the years, also taken various legislative initiatives aimed at further safeguarding the implementation of particular human rights by instituting new legislation addressing various human rights aspects such as the protection of minors, the rights of persons with disabilities and rights pertaining to equality. A number of specialised National Commissions, Commissioners and Authorities are entrusted with specific mandates to protect vulnerable groups and guarantee the protection of their rights. These include, inter alia, the National Commission for the Promotion of Equality; the National Commission Persons with Disability; the Ombudsman; the Commissioner for Children; the Refugee Commissioner; the National Employment Authority and the Commissioner for Voluntary Organisations.

3. Since its last Universal Periodic Review Malta has consistently worked towards improving its Human Rights situation and track record by embarking on a number of initiatives. This report outlines the status of human rights in Malta and the progress that was achieved since the last review. The last Universal Periodic Review of Malta was held in 2013, at the start of the legislature of a new administration, whose term was renewed by the electorate in 2017. Since 2013, in seeking to strengthen human rights and freedoms, particularly civil and political rights, a topmost priority on a national level, Malta has made substantial advances in various areas of human rights. This report outlines the significant developments that were registered since the last review while also focusing on the recommendations that emanated from that session and how these recommendations were addressed.

4. The Government of the Republic of Malta welcomes the scrutiny and open dialogue fostered by this exercise and believes in the constructive approach that underpins the UPR process as being key to further promote and safeguard the implementation of human rights.

II. Methodology and consultation process

5. Malta's national report was coordinated and compiled by the Ministry for Foreign Affairs and Trade Promotion (MFTP), in consultation with several line Ministries and official commissions relevant to the UPR. These line Ministries and official commissions were closely involved in all stages of the compilation of the national report, from inception to multiple drafting sessions to formal submission, and also through the holding of one-to-one meetings, as necessary, with the MFTP team. The full list of Ministries and official commissions involved is found at Annex I.

6. MFTP fulfilled the functions and responsibilities of a National Coordinating Committee. Likewise, in close liaison with the relevant line Ministries and official commissions, MFTP followed-up and coordinated the implementation of the international human rights recommendations received by Malta during the 2nd cycle of the Universal Periodic Review in 2013, fulfilling the functions and responsibilities of a National Mechanism for Review, Implementation and Follow-up of these Recommendations.

III. Implementation of recommendations from the previous cycles

International instruments (recommendation 1)

7. Malta ratified Protocol 12 of the European Convention on Human Rights in December 2015. By removing the limitation in the application of Article 14 of the Convention, which limits the prohibition of discrimination to enjoying only those rights provided by the Convention itself, this Protocol extends the Convention's non-discrimination Article to a right in itself. The enjoyment of any right set forth by law is thus secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. It guarantees citizens protection from discrimination from any public authority on any such grounds. This Protocol entered into force in April 2016.

8. In August 2014, Malta became one of the first fourteen countries to ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence, known as the *Istanbul Convention*. The Convention was incorporated into domestic legislation through the enactment of the Council of Europe Convention on Prevention and Combating of Violence against Women and Domestic Violence (Ratification) Act (Cap. 532). An inter-ministerial committee was also set up to prepare a report on actions needed to work towards Malta's compliance with the legally-binding Convention.[2] In September 2016, the *Gender Based Violence and Domestic Violence Bill* was published. The Bill passed to second reading in Parliament in November 2017. The Bill will recast the 'Domestic Violence Act', and amend the Criminal Code to be in line with the Istanbul Convention.

Institutional matters (recommendations 28, 29, 30, 31, 32)

Establishing a national human rights institution

9. In 2013, the National Commission for the Promotion of Equality (NCPE) submitted its proposal for a legal framework that strengthens the Maltese equality legislation and transforms the National Commission for the Promotion of Equality (NCPE) into a Human Rights and Equality Commission (HREC) with sanctioning powers, responsible for both equality and human rights. Following the presentation of two draft Bills for public consultation in December 2015 – the *Equality Bill* and the *Human Rights and Equality Commission Bill* - by the Ministry for European Affairs and Equality the Bills were presented to Parliament for their first reading in December 2016.

10. The Parliamentary Ombudsman has also been actively engaged in promoting the need to set up a National Human Rights Institution in Malta as such an institution plays a crucial part in promoting and monitoring the effective implementation of international human standards at national level. In 2013 the Ombudsman published a document entitled "The setting up of a National Human Rights Institution" expounding this proposal in detail.

11. In February 2014, Government launched a Scoping Consultation laying out Government's vision and its intention to strengthen the human rights and equality framework, stating that the remit of the National Commission for the Promotion of Equality (NCPE) would be strengthened and widened to cover human rights and that the NCPE would in fact become a National Human Rights and Equality Commission. In December 2014 Government published a White Paper meant to encourage further discussion before the enactment of the final legislation.

12. In July 2015, the Parliamentary Ombudsman published reflections on this White Paper where he expressed his positive reception of the suggestions contained therein. He further set out concrete proposals intended to develop the White Paper's rationale, thereby ensuring that eventual legislation will be suitable to and compliant with the administrative environment in Malta so that the White Paper's objectives are fully achieved, well planned-out, institutionally coherent and implemented successfully.

13. The new Commission will be in line with the Paris Principles. It is envisaged that one of the functions of the new Commission will be to coordinate and articulate the work of different specialised bodies in the sector.

Thematic areas

Equality

14. The Ministry for European Affairs and Equality is currently drafting a Human Rights and Equality Commission Act and an Equality Act. These will streamline and strengthen equality by prohibiting discrimination in various spheres of life and by establishing a body responsible for the promotion and protection of human rights including the right to equal treatment.

Cohabitation legislation (recommendation 26)

15. In 2013, the National Commission for the Promotion of Equality (NCPE) proposed the enactment of legislation that sets the legal basis for the regulation of cohabitating couples when such relations break up either by separation or death, in order to avoid persons falling into poverty or being unjustly treated when in a dependent position. A draft Bill was presented for public consultation in April 2016 by the then Ministry for Social Dialogue, Consumer Affairs and Civil Liberties. Subsequently, the Cohabitation Act[3] came into force in April 2017 making provision for couples who wish to register their cohabitation, and legally recognising their rights and responsibilities. The Act protects vulnerable parties, and provides for the recognition of a wide range of possibilities for cohabiting couples recognising that couples have different preferences of how they wish to regulate themselves.

Eradicate gender discrimination and traditional stereotypes through awareness raising campaigns in the education field (recommendation 51)

16. The NCPE regularly delivers training to stakeholders working in the educational sector, as well as students, in order to raise awareness on how to pro-actively address traditional roles and stereotypes. Educators are also trained in carrying out a gender mainstreaming exercise in their work. Categories trained include: students undergoing child-care courses, educational officers, teachers, lecturers, primary and secondary school students, and University students.[4]

17. The NCPE carried out a set of initiatives in 2016–2017 to combat gender stereotypes aimed at increasing awareness on the importance of men's role in gender equality.[5] The following activities were held with different groups of students to raise awareness on sharing, caring and domestic duties in the family, challenging traditional gender stereotypes and educating students on work-life balance measures:

- A drama activity entitled '*Theatre in Education*' reaching over 2,000 secondary school students through 22 performances;
- An event for post-secondary and tertiary students entitled '*Equality beyond Uni*' held at the University of Malta in November 2017 including the screening of the movie 'Burning Bikinis', a photo exhibition and music;
- A roving van situated in 6 post-secondary and tertiary schools in Malta and Gozo between February and May 2017 whereby male students were asked for their feedback on the topics of the project which was subsequently uploaded on NCPE's Facebook page. In total, 900 students were reached.

18. A pilot study was conducted in four schools[6] (2 primary and 2 secondary schools) throughout 2014, developing training modules and lesson plans on equality and non-discrimination, to serve as useful tools of good practices for teachers, making them the 'ambassadors for change' within the education system. The pilot study has shown that integrating equality, diversity and mainstreaming in teaching is possible and can be successful at both content and skills level.

19. In March 2014, training on equality mainstreaming was provided to teachers and teachers in training[7] to sensitise educators on equality and non-discrimination issues, covering different grounds of discrimination including gender, to encourage them to apply equality mainstreaming in their lessons. This training delineated definitions and effects of equality mainstreaming; provided practical examples and further resources and tools that can be utilised in this regard.

Promote gender equality in employment (recommendations 52, 55)

20. Various initiatives were carried out to encourage women to enter or remain in the labour market (vide Annex II for the full list). These initiatives contributed to the increase in the employment rate of women in the labour force by 5.9%, from the first quarter of 2014 (47.1%)[8] to the first quarter of 2017 (53%).[9]

21. NCPE awards the Equality Mark to companies that truly foster gender equality in their work policies and practices by implementing measures that go beyond what is required by legislation. Companies are assessed according to set criteria and provided with the necessary assistance to strengthen their commitments in this sphere. By October 2017, there were 80 certified organisations with over 21,300 employees working in certified conditions.

22. NCPE works to combat gender stereotypes through a number of initiatives aimed at increasing awareness on the importance of men's role in gender equality and on the benefits of family-friendly measures.[10] Sharing of family and domestic responsibilities and awareness of various types of family-friendly instruments are being accentuated:

- A Business Breakfast was organised for employers to discuss family friendly measures and flexible working arrangements;
- Training was provided to employers with the aim of raising awareness on the benefits of family-friendly measures to both employers and employees and the need for the implementation of an inclusive policy that does not discriminate in the recruitment procedure and offers equal opportunities to both women and men employees;
- An open air event was organised for the general public with the aim of counteracting gender stereotypes in the Maltese language.

23. In November 2017, NCPE organised a short campaign PayM€equally in line with the European Equal Pay Day to raise awareness on the gender pay gap. Throughout this campaign NCPE participated in TV and radio programmes, issued regular posts on the social media, and published articles on the topic.

24. NCPE created the Directory of Maltese Professional Women[11] to give further visibility to professional women and their competences, qualifications and experiences in various fields. This is aimed at enhancing their opportunities of being appointed to decision-making positions. NCPE also implemented a number of initiatives to raise awareness on this Directory through NCPE's social media[12] and newsletter[13] as well as through a circulation in the Government's internal mail. By October 2017, more than 250 professional women registered on this Directory.

25. NCPE conducted other initiatives to empower more women to participate in decision-making positions.[14] The following were concluded in December 2015:

- Thirty women who aspire to hold decision-making positions participated in a mentoring programme by professionals who occupy high-level jobs to acquire relevant knowledge and skills related to leadership. Training was also provided to the mentees on topics such as leadership and supervisory skills, decision-making, assertiveness and communication skills;
- Two research studies were carried out on gender-balanced representation in economic and political decision-making positions; and on gender quotas and other measures that enhance the gender-balance in decision-making.

Combat discrimination on sexual orientation and gender identity (recommendations 64, 65, 66)

26. The Civil Unions Act, which was enacted in 2014, grants same-sex couples in a civil union the same rights enjoyed by married heterosexual couples. It established equality on the basis of sexual orientation in all social and legislative spheres.[15] By April 2017, 163 couples married in civil union and there was a case of adoption by a same-sex couple.[16]

27. The *Gender Identity, Gender Expression and Sex Characteristics Act* of 2015 introduces a right to gender identity for all persons and allows for amendments of gendered characteristics on all official documents or certificates. It also establishes a positive obligation on government entities so that that their services ensure equal treatment for trans persons. With regard to sex characteristics, it provides parents with the possibility to postpone the entry of a gender marker on their children's birth certificate and introduces a right to bodily integrity and physical autonomy for all persons.[17]

28. The *Trans, Gender Variant, and Intersex Students in Schools Policy* helps translate in practice the principles and objectives contained in the aforementioned Act. The policy aims to foster a school environment that is inclusive, safe and free from harassment and discrimination as well as promotes the learning of human diversity that is inclusive of trans, gender variant and intersex students, thus promoting social awareness, acceptance and respect.[18]

29. In 2015, 'Gender expression' and 'sex characteristics' were added to the grounds on which discrimination is prohibited in Chapter 456 *Equality for Men and Women Act*.[19]

30. The *Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act* was enacted in 2016. This law criminalises conversion practices - any practice which aims to change, repress or eliminate a person's sexual orientation, gender identity or gender expression, by imposing fines and jail terms on those advertising, offering, performing or referring an individual to such practices. In addition, the Act affirms that no sexual orientation, gender identity or gender expression constitutes a disorder, disease or shortcoming of any sort.[20]

31. A *Trans, Gender Variant and Intersex Inmates Policy* document was launched and is being implemented in the Corradino Correctional Facility (CCF) to affirm respect for human rights, equality and inclusion, and the recognition of inmate diversity.[21]

32. A policy on gender-neutral toilets in Government buildings was also introduced. The aim of these facilities is to ensure a non-judgmental or exclusive environment for all. By December 2016, 47% of all toilets in Government buildings were gender-neutral.[22]

33. In the 2017 Budget speech, it was announced that a consultation process will be launched regarding blood donations by gay, lesbian and bisexual persons.[23]

34. Since April 2015 trans people are able to change their legal gender on official documents. By February 2017, 67 trans people have benefitted from this measure.[24] Furthermore, in September 2017 Government rolled out non-binary X gender passports and ID cards.

35. In July 2017, the Maltese Parliament approved the Marriage Equality Bill that modernised marriage law through the mainstreaming of equality for all. LGBTIQ persons are free to contract a marriage with their loved ones, be they of the same or a different sex, and also to parent children without having unnecessary references to their gender or biological make-up on their children's birth certificates.[25]

36. A structured dialogue between Health authorities and the LGBTIQ community, has led to the introduction of a number of transgender services, as well as legislative changes which include the provision of free hormone treatment. In April 2018, the Ministry for Health launched a consultation document on transgender healthcare presenting proposals for the development of transgender health care services in Malta.

Temporary special measures in areas where women are underrepresented (recommendation 54)

Increase quantity and quality of participation of women in political life (recommendation 98)

37. One of the proposals in the 2017 Government Programme entails a debate on positive measures to increase female representation in Parliament. Discussions are underway at a national level on the introduction of quotas in politics to address the current democratic deficit.

38. The Maltese Government is committed to promote gender-balanced representations in political and public life. In fact, proposals in the 2017 Government Programme delineate various measures that seek to address the under-representation of women in these spheres by: discussing positive measures to increase female representation in Parliament; promoting balanced representation of women and men in televised debates; and ensuring that boards within major entities in the public administration are made up of a minimum of 40% of both sexes.

39. Various initiatives have been recently undertaken by different stakeholders:

- Discussions are underway at a national level on the introduction of quotas in politics to address the current democratic deficit;
- Agreement is expected between the two main political parties on changing the working hours of Parliament to ensure that parliamentarians and staff work in a more family-friendly environment;[26] and,
- The Speaker of the House of Representatives plans a child-care centre for Members of Parliament, ministerial aides and staff employed by the parliament.[27]

40. In the light of Malta's low female participation in the political sphere, NCPE prepared a research paper highlighting recommendations on the way forward. Subsequently, NCPE published various articles and Press Statements to raise awareness with respective stakeholders (vide Annex III for the full list).

Combating discrimination

Protecting vulnerable groups from all forms of discrimination (recommendation 40)

Combat all forms of discrimination (recommendation 50)

41. Malta ratified Protocol 12 of the European Convention on Human Rights in December 2015. By removing the limitation in the application of Article 14 of the Convention, which limits the prohibition of discrimination to enjoying only those rights provided by the Convention itself, this Protocol extends the Convention's non-discrimination Article to a right in itself. The enjoyment of any right set forth by law is thus secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. It guarantees citizens protection from discrimination from any public authority on any such grounds. This Protocol entered into force in April 2016.

42. The NCPE Commissioner is empowered to initiate investigations on the receipt of a complaint in writing as well as to initiate ex-officio investigations on matters related to its remit. After carrying out an investigation, the NCPE Commissioner can dismiss the complaint or else find that the complaint is proven. In the latter case, where the action complained of constitutes an offence, the NCPE Commissioner makes a report to the Commissioner of Police for action on his part; or where the action complained of does not constitute an offence, NCPE Commissioner calls upon the person against whom the complaint is directed to redress the situation, and mediate between the complainant and such person to settle the matter.

43. In 2016, NCPE's remit was widened through the coming into force of Legal Notice 173 of 2016 *Exercise of Rights Conferred on Workers (Freedom of Movement) Regulations*.

The purpose of this legislation is to implement Directive 2014/54/EU of the European Parliament on measures facilitating the exercise of rights conferred on workers, in the context of freedom of movement for workers, which lays down provisions facilitating the uniform application and enforcement of EU regulations in this regard.

44. NCPE carried out a set of initiatives[28] (2013–2014) to strengthen its internal knowledge capacity; create further awareness on equality and non-discrimination; and to empower stakeholders through training:

- Training was provided to NCPE staff on non-discrimination, equality mainstreaming and diversity management;
- A pilot study in schools and training to teachers on non-discrimination *(as explained in reply to Recommendation 102.51)*;
- 'Celebrating Diversity' (Anti-Racism) Theme Day and training to employers on diversity management *(as explained in reply to Recommendations on racism below)*;
- The 'Have Your Say' campaign[29] where citizens had the opportunity to expose discrimination on different grounds and to share their views on the effects of discrimination and/or the benefits of equality through a roving booth. Following this campaign, NCPE developed a video clip with these experiences to raise further awareness on rights and responsibilities related to equal treatment, including racial equality.

45. Other activities[30] were carried out (2013–2015) to raise further awareness on NCPE's remit and enhance NCPE's knowledge capacity:

- Training to NCPE staff on psycho/social skills; different training methods and tools; equality and diversity management audit and evaluation tools; and communication tools;
- Training to different stakeholders including: equality and non-discrimination to clerical grades and local councils; carrying out equality performance appraisals for public employees; and grounds of discrimination and mainstreaming for NGOs and social partners;
- Three research studies were conducted: *Equality Bodies' Good Practices in the Field of Non-Discrimination,* highlighting good practices by equality bodies. The *Mapping Study Report* reviewed NCPE's operational strategies in comparison to the Ombudsman for Equal Treatment (Austria) and the Equality Commission for Northern Ireland. Moreover, *Public Employees Perception Survey* captured the progress attained in the knowledge and awareness of public employees following the implementation of training and awareness raising carried out as part of this project.

46. NCPE disseminates information on its remit and on rights and responsibilities related to equal treatment through participation in programmes in the broadcast media; the publication of articles and press statements in the printed media; as well as NCPE's website. NCPE also utilises social media to pass on targeted messages to a wide range of audiences.

Strengthen NCPE's capacity to address racial violence and discrimination (recommendations 33, 34, 35)

Efforts to combat racism, racial discrimination and xenophobia (recommendations 57, 59)

Efforts to combat racism, racial speech in the media and hate speech by politicians (recommendations 58, 60, 61, 62, 63)

47. NCPE's work addresses various aspects related to racism, racial discrimination, xenophobia and related intolerance. As established by Chapter 456 of the Laws of Malta, as well as Legal Notice 85 of 2007, it is within the remit of the NCPE to investigate any complaints lodged for alleged discrimination on the grounds of race and ethnic origin in employment, education, banks and financial institutions, goods and services.

48. NCPE reviews proposed polices and legislation and where necessary gives contributions aimed at integrating the issues and concerns of different groups of persons from different racial/ethnic backgrour ' in any proposed action.

49. NCPE conducted a study entitled *'Cultural Diversity in the Maltese Public Service: Approaches to Diversity Management'*[31] which sought to understand existing Human Resources practices related to cultural diversity as well as to assess the potential of implementing systematic diversity management. This study, which used nationality as an indicator of cultural diversity, entailed a statistical overview of cultural diversity levels in the Public Service; and qualitative research among managers in the Public Service analysing the management's views on cultural diversity and its impact on team dynamics, service delivery and policy development as well as Public Service's approaches to diversity recruitment and management.

50. Diversity management training for employers was carried out in March 2014[32] to further empower them to foster equality in their practices at work. This training provided further information on equal treatment legislation; the concepts of diversity and equality; the goals for diversity management; management structures and management systems; areas for action such as recruitment, retention and external contacts; and steps to promote equality, take account of diversity and eliminate discrimination within organisations.

51. In March 2014, NCPE organised a day of multicultural activities entitled *'Celebrating Diversity'*[33] aimed at celebrating and promoting diversity and at promoting equality, particularly with regards to race and ethnic origin. Through this activity, which was held in Valletta, NCPE disseminated further messages to foster cultural diversity through music, entertainment, children's games and activities for all the family.

52. NCPE published an article in 2017 to raise awareness on the effects of hate speech on targeted groups of individuals and on how hate speech runs counter to the promotion of equality, inclusion, and diversity.

Promote a culture of non-discrimination among citizens towards migrants (recommendation 110)

53. Eight 2-hour training sessions were given to approximately 150 asylum-seekers from different nationalities residing in state-run open centres in April and May 2016 on Maltese equality legislation and the different grounds of discrimination. The rights and obligations emanating from equality legislation in Malta were explained and discussed with the participants, highlighting examples of discrimination at the workplace and in the provision of goods and services. Participants were also given the opportunity to share and discuss personal experiences. Information was also given on how to lodge a complaint with NCPE.

54. Starting from 2014, regular training on equality and diversity was also provided to employees working in open centres for asylum-seekers as well as to Detention Service staff.

Eradication of violence

Addressing violence against women (recommendations 69, 71)

55. In August 2014, Malta became one of the first fourteen countries to ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence, known as the *Istanbul Convention*. Moreover, the Convention was incorporated into domestic legislation through the enactment of the Council of Europe Convention on Prevention and Combating of Violence against Women and Domestic Violence (Ratification) Act (Cap. 532). An inter-ministerial committee[34] was also set up to prepare a report on actions needed to work towards Malta's compliance with the legally-binding Convention. In September 2016, the *Gender Based Violence and Domestic Violence Bill* was published.[35] The Bill passed to second reading in Parliament in November 2017.[36] The Bill will recast the 'Domestic Violence Act', and amend the Criminal Code to be in line with the Istanbul Convention.

56. NCPE worked on a set of initiatives with the aim of raising further awareness on violence against women and girls,[37] addressing distinct forms of violence against women. Research studies were carried out on female genital mutilation (FGM) in Malta; on violence on older women and men; and on violence, harassment and bullying in schools. Tools were also developed following these studies and awareness was raised on the subject through video and radio clips, bus shelter adverts, and a seminar on violence against women. Training was also provided to multidisciplinary professionals and legal experts. In January 2014, through an amendment to the Maltese Criminal Code, Malta also implemented specific legislation to include a specific article on FGM, making it illegal and punishable by imprisonment.[38]

57. NCPE also works to raise awareness on sexual harassment as delineated in its remit. Training on the subject is given to employers, employees and other stakeholders on request. NCPE also investigates the complaints of persons who are sexually harassed as per its remit.

58. In 2015, NCPE developed a poster to reiterate the illegality of sexual harassment and NCPE's role in this regard. This poster was disseminated to local councils, to entities and departments within the public administration, and to relevant stakeholders.

Protecting the rights of migrants, refugees and asylum seekers

59. Since 2002, when over 1,600 persons reached Malta's shores on board unregistered craft, Malta has experienced heavy influxes of irregular immigration from North Africa. Although the trend of boat arrivals has decreased, Malta is still faced with heavy influxes of migrants, who reach Malta through various ways and proceed to apply for international protection. Furthermore, the asylum recognition rate in Malta has consistently exceeded 50% over the past years.

60. In 2017, Malta received 1,619 first-time applications. This phenomenon places a significant challenge on Malta's financial and human resources especially because although in absolute terms these numbers may not seem impressive, they take a different significance in the context of Malta's small size and its very high population density. With a population of around 450,000 and covering no more than 316 square kilometres, Malta's population density stands at 1,300 persons per square kilometre, making Malta by far the most densely populated EU Member State and one of the most densely populated countries in the world.

61. In December 2015, the Ministry for Home Affairs and National Security published the Strategy for the Reception of Asylum Seekers and Irregular Migrants following a public consultation process.[39] This Strategy was flanked by legislative amendments to the Immigration Act (Cap. 217) and the Reception of Asylum Seekers Regulations (Cap. 420.06). The primary objective of the Strategy was to ensure compliance with the European Union's Reception Conditions Directive 2013/33/EU and relevant jurisprudence relating to the European Convention on Human Rights.

62. The Strategy established a reception system based on three different stages of accommodation for asylum seekers and irregular migrants, namely: Initial Reception Centres (IRCs); Closed (Detention) Centres; and, Open Centres. The objective of the Initial Reception Facility is to accommodate newly arrived irregular migrants in a contained environment in order for such migrants to be medically screened and processed by the pertinent authorities, including the Agency for the Welfare of Asylum Seekers (AWAS) and Police officials. Irregular migrants are to be accommodated in this Facility separately from any other irregular migrants and only until the required medical clearances are obtained. The period of stay at the Initial Reception Facility is ordinarily to be limited to no more than 7 days; although the period of stay may be longer if health-related considerations so dictate. Asylum seekers released from the Initial Reception Facility or from Detention are, if no alternative accommodation arrangements are available to them, offered accommodation at Open Centres. Such persons shall be accommodated at the Open Centres for not more than 12 months unless humanitarian considerations dictate otherwise; provided that irregular migrants may be required to leave Centres earlier.

63. Since March 2014, Government has committed itself not to detain children. The detention requirement has also been waived with respect to vulnerable persons, including families with children, pregnant women and unaccompanied minors in line with **recommendation 118**. Malta has also introduced alternatives to detention, such as:

- Reporting at an assigned place within specified timeframes;
- Residence at an assigned place;
- Deposit or surrender of documents;
- Placing of a one-time guarantee or surety.

64. In line with **recommendation 89** on detention conditions, detention Centres provide for the separate accommodation of single males, single females and family units that do not comprise minors. Moreover, the Centre currently in operation also has a clinic, medical isolation facilities and telephone facilities among others. Currently, parts of the accommodation areas are being refurbished, and initial stages has started with a view to setting up new interview rooms and computer rooms.

65. Furthermore, there has also been the introduction of regular reviews of the Detention Order, which ensures that individuals are not deprived of their liberty more than necessary. A Detention Order issued to an asylum seeker is reviewed within 7 days by the independent Immigration Appeals Board, and if the person is still in detention, the Detention Order is reviewed after 2 months and every 2 months thereafter.

66. All asylum seekers whose application is being processed at first instance by the Office of the Refugee Commissioner, have the right to access legal assistance at any stage of the procedure. Many NGOs are active in providing assistance in legal proceedings, and this complements the free legal aid provided by the State for proceedings before the Refugee Appeals Board in line with **recommendation 122**. The legal adviser representing the applicant at appeals stage is given access to the applicant's file upon request.

67. In line with **recommendation 125**, Malta has successfully and fully carried out its commitments stemming from the two September 2015 European Union Council Decisions.[40] In all, Malta relocated 168 asylum applicants – 67 from Italy and 101 from Greece.

68. As part of the joint EU effort under the July 2015 scheme, Malta successfully resettled 14 Syrian nationals from Turkey. In order to maintain family unity, the number was eventually increased to 17. All 17 persons were resettled in Malta in October 2017.

69. In response to the Commission's Recommendation of 27 September 2017 for the resettlement of 50,000 persons, Malta has pledged to resettle another 20 persons – 15 from Libya and 5 from Egypt. Preparations are ongoing.

70. In relation to **recommendation 6**, Malta currently does not envisage ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC). The main reason lies in the broad nature of this Convention, particularly in terms of the broad definitions it adopts, and therefore, its potentially far-reaching scope, granting, as a result, extensive rights to an excessively broad category of migrant workers, making it difficult to assess its impact. In view of this, ratification of the MWC by Malta is currently not viewed as feasible, both from a practical and a sustainability point of view.

Human trafficking

71. Malta remains committed to combat human trafficking through several initiatives, including the development of victim assistance services, training of government officials, and raising of public awareness. In January 2017, the Monitoring Committee[41] tasked with overseeing Malta's implementation of human trafficking related measures approved the Fourth National Action Plan against Human Trafficking, which covers the period January 2017 to December 2019. The implementation of this Action Plan aims to ensure the implementation of international commitments by Malta, including the objectives of the EU

and other international organisations, thereby confirming Government's commitment in this sphere. The Action Plan provides inter alia for the enhancement of victim identification, including child victims and the updating of human trafficking indicators. New research on the migrant population in open centres is also envisaged.

72. In line with **recommendation 82,** to improve identification of victims of trafficking, a victim referral procedure had been agreed to by the stakeholders concerned in 2012; and this is supported by written Standard Operating Procedures. Several training events have been held to keep officers concerned informed of relevant developments.

73. A memorandum of understanding was signed between the Malta Police Force and the then Ministry for Social Policy to continue developing and expanding a framework of cooperation between both entities for the provision of social support services in cases of potential victims of trafficking in human beings. Subsidiary legislation enacted under the Immigration Act provides for the legal process of identification, granting a reflection period to potential victims in order for them to consider cooperation with the Police.

Refugees

Ensure that the best interests of the child, as spelled out in the Convention on the Rights of the Child, is the primary consideration in all asylum proceedings involving children (recommendation 126)

74. This is catered for through the following guarantees:

(a) Following the submission of an application by an unaccompanied minor, he or she is provided with a representative, appointed by the competent authorities. In this regard it is important to note that before the Office of the Refugee Commissioner can proceed with the asylum procedure, a representative needs to be appointed to ensure that the unaccompanied minor is provided with the necessary assistance. Moreover, a personal interview will only take place with the presence of the applicant's representative;

(b) The Office of the Refugee Commissioner takes all possible measures to ensure that personal interviews and decision making involving unaccompanied minors are done by staff specifically trained in child related matters. To this effect, the Office of the Refugee Commissioner regularly sends staff to participate in relevant EASO training modules, including the module 'Interviewing Children';

(c) In case it is established that an unaccompanied minor does not meet the criteria to be granted international protection, the Office of the Refugee Commissioner would grant him/her Temporary Humanitarian Protection till s/he reaches the legal age of 18, so as to avoid that an unaccompanied minor is deported back to his or her country of origin;

(d) In the case of accompanied minors, they are generally not interviewed, unless a request is made directly by the adult responsible for him/her, by the minor himself/herself, or it is established that a personal interview would be in the best interest of the child.

Ensure that unaccompanied migrant children receive free legal representation (recommendation 127)

75. According to national legislation, while all applicants have the right to legal assistance and representation, as well as to consult UNHCR, free legal assistance is only provided at appeals stage. Considering the guarantees that exist in case of an application for international protection by unaccompanied minors (listed above), there is no need for free legal assistance and representation throughout all stages of the asylum procedure, since this would only lead to an unnecessary lengthening of the asylum procedure, something which would not be in the best interest of the child.

Implement without delay the proposals for improved procedures and modalities as regards its asylum policy and to review its detention policy and that such review include how to ensure that children are not detained pending age determination (recommendation 133)

76. The Asylum Procedures Directive 2013/32/EU, was transposed into national legislation in 2015. Moreover, between 2014 and 2017, the Office of the Refugee Commissioner undertook considerable steps to further improve the asylum system in Malta, including by:

(a) Ensuring that the Office is, as much as possible, well-staffed to effectively deal with the current and future workload;

(b) Strengthening the internal structure of the Office through the introduction of new managerial posts, with the aim of further enhancing the day-to-day running of the Office;

(c) Tapping into Asylum, Migration and Integration Funds (AMIF) to take over the day-to-day running of the Dublin Unit and increase its efficiency in order to effectively and swiftly deal with applications in a Dublin procedure;

(d) Tapping into AMIF funds to improve the interpretation services offered by the Office. This will be done through the provision of training for interpreters working with the Office, the possibility of conducting language analysis to determine the country of origin of asylum seekers and the provision of interpretation services through online video/voice calling.

IV. Other developments in the context of the human rights situation in Malta

Women's rights

77. In November 2017, the Council for Women's Rights was set up to strengthen the dialogue between the government and civil society. The Council is made up of 23 representatives from registered organisations who work on women's rights. The aim is to mainstream equality in all aspects of government's processes, to serve as a think-tank, raising policy ideas and pointing out shortcomings in current laws, and strengthen the dialogue between civil society and the government.

Health

78. During 2017, a new method using the heel-prick test for neonatal screening for Congenital Neonatal Hypothyroidism (CHT) was introduced. This test, which has a much lower recall rate will replace umbilical cord testing for this condition. This method of testing also allows for the introduction of further screening tests (e.g. screening for Phenylketonuria). A screening programme for nerve deafness is also being consolidated.

79. Medical checks are systematically carried out for every irregular migrant and asylum seeker on arrival. EU migrants, refugees and migrants with subsidiary protection status have access to free health care and non-EU migrants contributing to national insurance are entitled to free healthcare.[42]

80. A migrant health liaison office within the Ministry for Health coordinates the training and provision of cultural mediators who assist where necessary within the health system.

81. In 2017, a multi-sectoral Advisory Council on Healthy Lifestyles was set up according to the Healthy Lifestyle Promotion and Care of Non-Communicable Diseases Act enacted in 2016.

Sexual and reproductive health and rights

82. The Government of the Republic of Malta is committed to the promotion of sexual and reproductive health. This includes the protection of the right of women to have control over and decide freely and responsibly on matters related to their sexuality, the timing and number of children, free from coercion, discrimination and violence. In that respect, Government is also committed to ensuring access to information on effective methods of family planning.

83. Health education is an ongoing initiative which is mainly coordinated by the Ministry of Health. Personal Social and Career Development (PSCD) lessons that focus on a variety of areas including gender issues, racism, migration, religious diversity, disability and sexual orientation (in an age-appropriate way) are given both in primary as well as secondary schooling. Guidelines for sexuality and relationship education[43] were launched in this respect in September 2013. Further to this, the Health Promotion Directorate has ongoing education and awareness campaigns towards a holistic approach to sexual and reproductive health, including prevention of teenage pregnancies and sexually transmitted infections.

84. A number of sexual and reproductive health-care services are freely available within the national public healthcare system. These include family planning; safe motherhood including high quality gynaecological, prenatal, delivery and postpartum care; infertility treatment of both partners; assisted reproduction; prevention, confidential testing, diagnosis and treatment of reproductive tract infections, STIs and HIV/AIDS; prevention and treatment of reproductive cancers and maternal morbidities.

85. Malta continues to sustain that the right to life is an inherent right of every human being and that this right also includes the unborn child, from its conception. Abortion is thus a direct contradiction to the right to life and is illegal in Malta. The Government of the Republic of Malta recalls that according to the International Conference on Population and Development (ICPD), in no case should abortion be promoted as a method of family planning.

86. Where the life of a mother is at risk, a medical intervention to save her life, even if this could result in the death of the child, is not precluded. With regard to the prevention of pregnancy resulting from rape, it is to be noted that in December 2016 Malta has licensed the sale of the morning after pill, which is available without medical prescription since this date at pharmacies.

87. The current Embryo Protection Act which was enacted in December 2012 allows heterosexual couples access to Assisted Reproductive Technology and thus benefit from medically assisted procreation. Amendments to this act presented in Parliament in April 2018 aim to also allow access to same sex couples and single women, as well as offering gamete donation, embryo freezing and adoption to all.

Migration

88. One of the major issues of fundamental rights in Malta and across Europe refers to matters related to migration, the treatment of migrants and migrant children and the detention of asylum seekers.

89. In 2017 the Ministry for Foreign Affairs and Trade Promotion launched the Migration Media Award jointly with the International Centre for Migration Policy Development (ICMPD). The Migration Media Award is based on the belief that a balanced narrative of migration is essential to sound policy-development, and thus to the integration of migrants. It seeks to explore ways in which this cooperation can be broadened to focus on the local dimension of integration and human rights of migrants.

90. The International Centre for Migration Policy Development (ICMPD) has been working closely with Malta on regional and national issues since 2001. In 2016, ICMPD opened its Regional Coordination Office for the Mediterranean in Malta. The excellent

relations with the Ministry for Foreign Affairs and Trade Promotion, and with the Ministry for Home Affairs and National Security, led to cooperation in a number of initiatives.

91. Since 2015, ICMPD has led the implementation of the EU-funded Mediterranean City to City Migration (MC2CM) project from its Regional Office for the Mediterranean in Malta, in partnership with UN-Habitat, United Cities and Local Governments and UNHCR. Through this project, the local dimension and implications of migration in nine major urban areas in Europe and the Mediterranean were explored. The project looked at the provision of services to migrants and wider populations as well as opportunities for urban development and cohesion related to th. increasing diversity and inclusion of migrants.

92. The second phase of this project, supported by the European Union and Swiss Agency for Development and Cooperation, will see the scaling up of the network and activities as well as focusing on new priority themes such as balancing the narrative of migration at local level.

93. The ICMPD also runs a Mediterranean traineeship programme on migration governance bringing future migration professionals from all over the Euro-Mediterranean region to gain practical experience on inter-institutional cooperation and coordination between the various migration stakeholders.

94. Since Malta's last review in 2013, the Office of the Parliamentary Ombudsman has continued to contribute to the protection of human rights of those seeking shelter and international protection through the investigation of a number of cases which refer to basic personal rights such as:

(a) The right to marriage – The Office of the Parliamentary Ombudsman has been requested to intervene in regard to the registration of marriages entered into by refugees or those enjoying international protection who were married in the traditional family way or in hiding and who thus have no documentation to prove their married status. The Office of the Parliamentary Ombudsman was also asked to intervene on behalf of persons whose applications for refugee status were rejected and who encountered difficulties when filing a request at the Marriage Registry for the publication of the banns so that they could marry in Malta;

(b) The right to family life – the intervention of the Office of the Parliamentary Ombudsman is sometimes requested to aid refugees who want to reunite with their families who are still not living in Malta;

(c) The right to be provided with basic documentation such as a birth certificate - The Office of the Parliamentary Ombudsman was asked by the local Emigrants' Commission to intervene in connection with a lacuna which existed in local legislation regarding the registration of infants born at sea on unregistered vessels who were eventually brought into Malta.

Integration of migrants

95. In November 2015, the Human Rights and Integration Directorate was set up as a new structure within the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, specifically tasked with the advancement of the areas of civil liberties, foreign communities, integration and minority rights. In the ensuing period it ki.ked off several initiatives, which were consolidated and expanded upon, such as by the establishment of the Forum for Integration Affairs, the holding of meetings of the Inter-Ministerial Committee on Integration, and the establishment of a strong collaborative relationship with the Migrant Learners Unit within the Ministry for Education and Employment. Following the legislative elections of June 2017, the integration portfolio was confirmed within the remit of the Ministry for European Affairs and Equality, with the Human Rights and Integration Directorate being incorporated within this Ministry.

96. Government has given priority to two primary aspects related to the integration of migrants. Firstly, the setting-up of integration governance structures, such as the Integration Unit, as well as the Inter-ministerial Committee on Integration, and a Forum for

representatives of migrant communities. Secondly, the introduction of an Integration Request which entitles participants to benefit from language and cultural orientation learning, being followed by an integration officer, as well as support to access the labour market, and other mainstream services.

97. Currently in its first year of operations, the Integration Unit is endeavouring to address all government services and programmes in order to make them as integration-friendly as possible. Cross-cutting all structures and programmes is the increased engagement with stakeholders across a very wide spectrum, and which will be increasing as more resources are dedicated to the sector. This is based on the "*Integration = Belonging. Migrant Integration Strategy & Action Plan (Vision 2020)*[45]" that was launched by the Minister for European Affairs and Equality, Hon. Dr Helena Dalli, on December 15, 2017. The launch of this first integration strategy by Malta was described by Office of the United Nations High Commissioner for Refugees as "*a landmark achievement*".

Rights of the child

98. Malta signed the United Nations Convention on the Rights of the Child on 26th January 1990. Following its ratification on 30th September 1990, Malta has worked to improve the conditions and the rights of children through various measures and initiatives, as can be attested by previous periodic reports submitted by Malta. Successive Governments in Malta have always paid particular attention to child and adolescent issues, thereby ensuring that these cohorts of the population enjoy utmost respect and support in Maltese society. Given the size of the country, child policies and budgeting have often been mainstreamed or combined with other related policies, such as family policies, in order to provide a more rational and holistic approach to child development and wellbeing. It is therefore no coincidence that the present administration has decided to give even more impetus to this sector, as evidenced by the change in nomenclature of the Ministry mainly responsible for this area, to that of Ministry for the Family, *Children's Rights* and Social Solidarity. Indeed, this change is reflective of an intensification of efforts and focus by the Government and an acknowledgement of the increasing importance of child policy initiatives and actions.

99. Since Malta's last review in 2013, numerous measures were introduced in various areas such as education, health, welfare support and so forth, many of which are based on the recommendations put forward by this Committee and others resultant from socio-cultural changes taking place in Malta.

100. In this regard, two key initiatives are currently underway. These initiatives have the potential of greatly impacting, while simultaneously focusing the Government's efforts in giving children and adolescents more visibility and participation in society. They also guarantee better protection and improved opportunities for their growth and development. The first of these initiatives is the Child Protection (Alternative Care) Act, which was enacted by Parliament in January 2017. The second key initiative being currently undertaken is the drawing up of a National Children's Policy, work on which is at a very advanced stage following an extensive consultation process with all the relevant stakeholders, including children themselves, in line with the objectives set out in the United Nations Convention on the Rights of the Child.

101. Besides these two important and far-reaching initiatives, Government has, in recent years, also progressively rolled out a number of other initiatives covering a wide spectrum of child-related issues. Greater emphasis was laid on the physical and mental wellbeing of children, especially those who are more vulnerable or in need of help through measures in various areas of public service delivery. The following submissions by Malta are intended to provide an update on the previous periodic report as well as to address the issues that the Committee highlighted in its observations to the Maltese Government.

102. Malta is in the process of strengthening the legal basis in this particular area through several legislative acts. Indeed, in December 2016, the Equality Bill and the Human Rights and Equality Commission Bill were presented to Parliament for their first reading following their presentation by the Ministry for Social Dialogue, Consumer Affairs and Civil

Liberties[45] for public consultation in December 2015.[46] These Bills aim to restructure and strengthen Malta's legal framework on human rights and discrimination through the transformation of the National Commission for the Promotion of Equality into a Human Rights and Equality Commission answering to Parliament with a wider remit.

103. More specifically, in January 2017, the Child Protection (Alternative Care) Act (Act No. III of 2017) was enacted. As stated in the Act itself, the principal aim of this legislation is to safeguard, protect and give priority to the best interest of the child in all instances and to guarantee permanency of the children's future in the shortest possible time. The Act covers various aspects of Child Protection, including a review of the childcare system, protection of children during judicial procedures and the availability of children's advocates and issues related to foster care, amongst other things. Considering that the Act envisages the establishment of different provisions necessary for its enforcement, Government is presently in the process of implementing this Act by setting up the necessary structures.

104. Furthermore, a National Children's Policy (2017–2024) consultation document was launched for public feedback on 19th September 2016 to present Malta's way forward for safeguarding and promoting the rights and general wellbeing of all children. Following this consultation exercise, the National Children's Policy (2017–2024) was launched in November 2017. The drafting of this policy, which was guided by the United Nations Convention on the Rights of the Child, aims at placing children's rights and wellbeing at the forefront of the national agenda through enhanced awareness-raising, child-led participation and evidence-based practice, as well as the mainstreaming of child-related issues and increased cooperation with other policy structures. This Policy should also help to consolidate more concrete action in the field, through the promotion and protection of the rights of the child in the home, social sphere, health, urban and natural environment, education, employment, leisure and culture. This Policy complements various other national reports, policies and strategies that directly or indirectly promote children's prospects.

105. On the initiative taken by the Malta Police Force, in November 2017 the Commissioner for Voluntary Organizations coordinated a campaign with the Malta Council for the Voluntary Sector and the Commissioner for Children, to address the case of voluntary organisations that involve adult volunteers working with children, which involved the creation of an ethical code of conduct for volunteers, promoting awareness of the appropriate law (Protection of Minors (Registration) Act), and of the responsibilities and liabilities of administrators of voluntary organisations under this law, and introducing the requirement for such organisations to inform the Commissioner for Voluntary Organizations of the measures being taken to ensure the protection of minors in their charge.

Persons with disability

106. In 2013, the post of a Parliamentary Secretary (Junior Minister) for Persons with Disability was established, within the Ministry for the Family, Children's Rights and Social Solidarity. It also incorporates a national focal point for the implementation of the UN Convention for the Rights of Persons with Disabilities (UN CRPD). This mechanism, in line with Article 33(1) of the UN CRPD, is currently being restructured into the Office for Disability Issues (ODI). Its responsibilities are indicated in Annex IV.

107. Malta is committed towards the upholding of rights and dignity of persons with disability - favouring the empowerment of persons with disability, rather than their protection - through the Equal Opportunities (Persons with Disability) Act (EOA) (Cap. 413), as well as through disability-specific legislation, such as the Persons with Disability (Employment) Act (Cap. 210), the principal provisions of which were activated in 2015, the Maltese Sign Language Recognition Act (Cap. 556), also making LSM (Maltese Sign Language) an official language, and the Persons within the Autism Spectrum (Empowerment) Act (Cap. 557), both adopted in 2016. Changes were made to the EOA in 2016 which saw the introduction of a Bill of Rights, highlighting 14 specific rights. The definition of 'disability' was aligned with the UN CRPD, as was that of 'reasonable

accommodation', while new definitions for 'language' and 'communication' were introduced. A new section covering Health-related rights was also introduced. Furthermore, the amendments formally designated the national Commission, CRPD, as Malta's independent monitoring mechanism in terms of Article 33(2) of the UN CRPD, and in line with the Paris Principles.

108. A National Policy on the Rights of Persons with Disability was promulgated in 2014, through the convening of a Fair Society Action Council, also composed of representatives of DPOs (Disabled Persons' Organisations) and other civil society representatives involved in the disability sector. On the basis of this, a National Disability Strategy is being finalised, as earlier described. Furthermore, specific rights were bolstered through the adoption of impairment-specific legislation mentioned earlier, through the Parking Concessions for Persons with Disability Act (Cap. 560), and through the Trusts and Trustees (Protected Disability Trusts) Regulations (S.L. 331.08), promulgated in terms of the Trusts and Trustees Act (Cap. 331).

109. In terms of Accessibility for persons with disabilities, the Planning Authority's Development Control Design Policy Guidance and Standards, promulgated in 2015, insist that development proposals need to adhere to the policies and standards established by CRPD, through the 'Access for All' Guidelines promulgated by the Commission. These Guidelines were further strengthened through the adoption of National Standards by the Malta Consumer and Competition Affairs Authority (MCCAA), responsible for standardisation matters, also in 2015. Bearing reference SM 3800, the 'Access for All in the Built Environment' Standards added on to the Guidelines' criteria. These Standards also bind Transport Malta, the national Transport authority, which is tasked with implementing them through its Road and Infrastructure Directorate. The Malta Tourism Authority (MTA) and CRPD also issued the Tourism for All Design Guidelines in 2016, and worked on an Accessible Beaches initiative. Tourist accommodation establishments also have to provide specific rooms which comply with the 2010 'Facilities providing accommodation for the public' guidance, in relation to the number of rooms being proposed. In the educational sector, accessibility of schools must be ensured by the Foundation for Tomorrow's Schools (FTS), while the Ministry for Education and Employment (MEDE) also has an Access to Communication and Technology Unit (ACTU). Malta's Foundation for Information Technology Accessibility (FITA) is responsible for implementing accessibility in the ICT field, including supranational obligations such as those stemming from Directive (EU) 2016/2102 (Web Accessibility Directive).

110. As Malta's national disability rights regulator, and independent monitoring mechanism in terms of the UN CRPD, CRPD set up an Accessibility Team to assess that public places are rendered accessible for all, and to carry out its obligations as to vetting development planning applications towards this end. It also established an Equal Opportunities Compliance Unit (EOCU) to tackle cases opened following complaints received from the general public on the basis of disability-based discrimination. The law is further being amended to formalise the creation of an Enforcement Unit, to equip the Commission with tools towards enforcement of rights, including the ability to issue fines. CRPD has also set up a unit focusing specifically on the monitoring of the implementation of the UN CRPD, as well as on raising awareness about it. These mechanisms are without prejudice to the rights of any Maltese resident to seek redress in terms of the Optional Protocol to the UN CRPD, which Malta also ratified. CRPD's UN CRPD Unit continually organises Disability Equality Trainings (DETs), delivered by persons with disabilities, for various public and private entities, and is also working on a national awareness campaign, targeting every State school, for the 2018/19 scholastic year. In carrying out its monitoring role, as well as that of stakeholder involved in consultations concerning the drafting of national legislation and policies, CRPD engages persons with disabilities, in terms of Articles 4(3) and 33(3) of the UN CRPD, through its Council for the Rights of Persons with Disability set up by law, as well as through its DPO (Disabled Persons' Organisations) Forum, and its Council for the Rights of Persons with Intellectual Disability (KCC).

Freedom of expression and the protection of journalists

111. The Media and Defamation Act (Act 11 of 2018) was passed by the House of Representatives on the 17th of April 2018 and assented to by the President of Malta on the 24th of April 2018. This Act repeals the 1974 Press Act (Chapter 248 of the Laws of Malta) and mainly aims at updating and re-writing the Maltese law on libel and slander in a manner which strengthens respect for the right to freedom of expression in a substantial manner. The right to freedom of expression is the basis of all media activity and is also one of the main pillars of the democratic system. Previous amendments to the Criminal Code (enacted by Act 37 of 19 July 2016) have already widened the freedom of artistic expression. The Act on Media and Defamation widened freedom of journalistic expression extensively. The main changes introduced by this Act are listed in Annex V.

V. Conclusions / looking ahead

112. This report highlights the significant progress achieved in the field of the promotion and protection of human rights. During the period under review, the country has experienced great economic and social progress, resulting in the adoption of specific legislative and political measures designed to ensure the full and effective enjoyment of human rights.

113. Malta remains committed to a strong and effective multilateral human rights system that impartially monitors the implementation by all States of their human rights obligations. Malta will vigorously defend the universality of human rights and will continue to lend its voice against human rights violations worldwide.

114. Malta believes that the UPR process is critical to further human rights around the world. The Government of the Republic of Malta fully supports the objectives of international monitoring mechanisms such as the Universal Periodic Review in providing an added incentive to strengthen the universal commitment to the promotion and protection of human rights.

115. Malta is determined to continue in its efforts to safeguard human rights, is committed to continue working for the further promotion of these rights and to raise awareness through education on human rights.

Notes

[1] International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights and its Optional Protocols; Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; Convention on the Rights of the Child and its Optional Protocols; Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance; Convention on Preventing and Combating Violence against Women and Domestic Violence; European Convention on Human Rights.

[2] April 2016, Press Release – An Overhaul of the legislation regarding domestic violence and violence against women recently launched by the government will address all areas that fall under the Istanbul Convention, including female genital mutilation.

[3] http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12651&l=1.

[4] 9 training sessions were held with these stakeholders in 2014; 7 training sessions in 2015; 9 training sessions in 2016; and 12 training sessions in 2017.

[5] These initiatives are carried out as part of the EU co-funded project *Equality beyond Gender Roles JUST/2014/RGEN/AG/GEND/7785*.

[6] This pilot study was carried out as part of the EU co-funded project *Enhancing Equal Rights JUST/2012/PROG/AG/3717*. The report is available on: http://ncpe.gov.mt/en/Pages/Projects_and_Specific_Initiatives/Enhancing_Equal_Rights.aspx.

[7] This training was carried out as part of the EU co-funded project *Enhancing Equal Rights JUST/2012/PROG/AG/3717*.

[8] https://nso.gov.mt/en/News_Releases/Archived_News_Releases/Documents/2014/News2014_121.pdf
[9] https://nso.gov.mt/en/News_Releases/View_by_Unit/Unit_C2/Labour_Market_Statistics/Documents/2017/News2017_103.pdf.
[10] These initiatives are carried out as part of the EU co-funded project *Equality beyond Gender Roles JUST/2014/RGEN/AG/GEND/7785*.
[11] This Directory was developed as part of the EU co-funded project *LSF 3.196 Gender Balance in Decision-Making*.
[12] https://www.facebook.com/NCPE.Malta/photos/a.246842948681680.67062.180224712010171/1729393687093258/?type=3&theater AND https://www.facebook.com/NCPE.Malta/photos/a.246842948681680.67062.180224712010171/1737253356307291/?type=3&theater.
[13] http://ncpe.gov.mt/en/Documents/News_and_Events/Newsletter/NCPE%20Newsletter_Special%20Edition_Summer%202016.pdf.
[14] These initiatives were carried out as part of the EU co-funded project *ESF 3.196 Gender Balance in Decision-Making*.
[15] Laws of Malta, 2014, *Chapter 530 Civil Unions Act*.
[16] http://www.gov.mt/en/Government/PRess%20Releases/PAges/2017/April/15/PR170964.aspx.
[17] Government of Malta, April 2015, Malta to have Europe's most comprehensive Gender Identity, Gender Expression and Sex Characteristics Act, Press Release Reference Number: PR150698.
[18] Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, December 2015, Public Consultation launch on a draft Bill that criminalises harmful conversion therapies, Press Release Reference Number: PR152855.
https://education.gov.mt/en/resources/Documents/Policy%20Documents/Trans,%20Gender%20Variant%20and%20Intersex%20Students%20in%20Schools%20Policy.pdf.
[19] Parliamentary Assembly – Council of Europe, April 2015, Resolution 2048 (2015) Discrimination against transgender people in Europe.
[20] Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, December 2016, *Press Release: Another step forward in civil liberties. Malta criminalises conversion practices and depathologises sexual orientation, gender identity and gender expression.*
[21] Corradino Correctional Facility (CCF), August 2016, *Trans, Gender Variant & Intersex Inmates Policy: https://meae.gov.mt/en/Documents/TRANS%20GENDER%20VARIANT%20and%20INTERSEX%20INMATES%20POLICY/Trans%20Gender%20Variant%20and%20Intersex%20Inmates%20Policy.pdf*.
[22] Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, December 2016, *Press Release: 47% of all toilets in Government buildings are now gender neutral*.
[23] Ministry for Finance, October 2016, *Budget Speech 2017 (English)*, p. 127.
[24] http://www.gov.mt/en/Government/Press%20Releases/Pages/2017/February/23/pr170450.aspx.
[25] https://www.gov.mt/en/Government/Press%20Releases/Pages/2017/July/12/pr171689.aspx.
[26] https://www.gov.mt/en/Government/Press%20Releases/Pages/2017/June/06/PR171409en.aspx.
[27] https://www.maltatoday.com.mt/news/national/79608/speaker_plans_parliamentary_childcare_centre#.W20mgtIzbIU.
[28] These initiatives were carried out as part of the EU co-funded project *Enhancing Equal Rights JUST/2012/PROG/AG/3717*.
[29] This campaign was carried out as part of the EU co-funded project *Enhancing Equal Rights JUST/2012/PROG/AG/3717*.
[30] These activities were carried out as part of the EU co-funded project *Developing a Culture of Rights through Capacity Building ESF 4.220*.
[31] NCPE was engaged by the People and Standards Division (P&SD) to conduct this study which was then presented during the European Public Administration Network (EUPAN) Working Level and DGs meetings that held during the 2017 Maltese Presidency of the Council of the EU.
[32] This training was carried out as part of the EU co-funded project *Enhancing Equal Rights JUST/2012/PROG/AG/3717*.
[33] This initiative was carried out as part of the EU co-funded project *Enhancing Equal Rights JUST/2012/PROG/AG/3717*.
[34] Press Release: PR 141746 – Ratification of the Istanbul Convention.
[35] April 2016, Press Release – An Overhaul of the legislation regarding domestic violence and violence against women recently launched by the government will address all areas that fall under the Istanbul Convention, including female genital mutilation.
[36] PR172508. 8 Nov 2017. *Gender-based violence and domestic violence bill passes to second reading*.
[37] These activities will be carried out as part of the EU co-funded project *Forms of Violence in Malta – A Gender Perspective JUST/2012/PROG/AG/VAW*.
[38] Laws of Malta. Criminal Code. Cap 9. Article 251E.

[39] PR152933. 30 December 2015. New migration strategy draws a balance between human rights and security. https://gov.mt/en/Government/Press%20Releases/Pages/2015/Dec/30/pr152933eng.aspx.

[40] http://data.consilium.europa.eu/doc/document/ST-12098-2015-INIT/en/pdf.
http://data.consilium.europa.eu/doc/document/ST-11161-2015-INIT/en/pdf.

[41] The Monitoring Committee is made up of high-level officials including Permanent Secretaries of the various ministries concerned, the Attorney General, and the Commissioner of Police amongst others.

[42] Laws of Malta. *Subsidiary Legislation* 35.28 *Healthcare (Fees) Regulations* (5).

[43] https://education.gov.mt/en/resources/Documents/Policy%20Documents%202014/Guidelines%20on%20Sexuality%20booklet.pdf.

[44] https://meae.gov.mt/en/Documents/migrant%20integration-EN.pdf.

[45] As from June 2017, the name of this Ministry has changed to Ministry for European Affairs and Equality.

[46] http://socialdialogue.gov.mt/en/Pages/Media/Press_Releases/PR162837.aspx.

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Compilation on Malta

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. The Human Rights Committee welcomed the ratification in 2014 of the Convention on the Prevention and Punishment of the Crime of Genocide.[3] The Special Rapporteur on the human rights of migrants noted the ratification in 2015 of the International Convention for the Protection of All Persons from Enforced Disappearance.[4]

3. The Special Rapporteur on migrants recommended that Malta ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[5]

4. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Malta accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[6]

5. In 2015, under its follow-up procedure to its 2010 concluding observations, the Committee on the Elimination of Discrimination against Women acknowledged the willingness of Malta to remove its reservations to articles 11 and 15 of the Convention on the Elimination of All Forms of Discrimination against Women. It recommended that Malta provide information on further action taken to expedite its efforts towards the withdrawal of those reservations. The Committee noted that Malta had indicated that it was not in a position to withdraw its reservations to articles 13 and 16, as that called for legislative reform, which had not been carried out. The Committee reiterated its recommendation that Malta consider withdrawing its reservations to articles 13 and 16 (1) (e) of the Convention.[7]

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6. The Human Rights Committee recommended that Malta consider withdrawing its reservations to articles 13, 14, 19, 20 and 22 of the International Covenant on Civil and Political Rights.[8]

7. Malta contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2017.[9]

III. National human rights framework[10]

8. While welcoming the steps taken by Malta to extend the mandate of the National Commission for the Promotion of Equality, the Human Rights Committee was concerned that Malta had not yet established a consolidated national institution with broad competence in the field of human rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[11]

9. The Special Rapporteur on migrants recommended that Malta implement the plans to establish a national human rights institution in line with the Paris Principles, and ensure that it was both functionally and financially independent of the Government and vested with the authority to investigate all issues relating to human rights, including those of migrants. The Human Rights Committee made a similar recommendation.[12]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination[13]

10. The Human Rights Committee welcomed the amendments to the anti-discrimination legal framework introducing religion, sexual orientation and gender identity as prohibited grounds for discrimination. It was concerned, however, that discrimination based on language was not prohibited by law. It recommended that Malta review its legal framework on anti-discrimination and equality with a view to ensuring that it included a comprehensive prohibition of discrimination on all the grounds set out in the International Covenant on Civil and Political Rights.[14]

11. The same Committee was concerned about reports of racism and xenophobia against migrants, including racially motivated violence and racial discrimination in access to employment, housing and services.[15] The Special Rapporteur on migrants noted that the anti-xenophobia and anti-discrimination laws were rarely enforced.[16]

12. The Human Rights Committee recommended that Malta strengthen its efforts to eradicate stereotypes and discrimination against migrants, inter alia, by conducting public awareness-raising campaigns to promote tolerance and respect for diversity.[17] The Special Rapporteur on migrants recommended that Malta fully implement its legislation to combat direct and indirect racial discrimination with regard to the enjoyment of economic, social and cultural rights by immigrants, particularly refugees and asylum seekers, including in terms of access to private rental housing and the labour market.[18] Furthermore, the Human Rights Committee recommended ensuring that cases of racially motivated violence were systematically investigated, that the perpetrators were prosecuted and punished, and that appropriate compensation was awarded to the victims.[19]

13. The same Committee welcomed the amendment to article 45 (3) of the Constitution introducing sexual orientation and gender identity as prohibited grounds of discrimination.[20] However, it was concerned about the reportedly insufficient measures to prevent and combat bullying and harassment of lesbian, gay, bisexual and transgender students in educational settings.[21]

14. The same Committee recommended that Malta take specific steps to provide an educational environment free of discrimination and violence against lesbian, gay, bisexual and transgender students, particularly through awareness-raising campaigns, school curricula and training for education personnel, and to put an end to any form of social stigmatization of homosexuality, bisexuality or transsexuality.[22]

B. Civil and political rights

1. Right to life, liberty and security of person[23]

15. In 2018, the Committee on the Rights of Persons with Disabilities inquired whether Malta intended to repeal the provisions of the Mental Health Act that provided for the involuntary detention or hospitalization of persons with a "mental disorder" and for the use of restraint and seclusion of those persons.[24]

2. Administration of justice, including impunity, and the rule of law[25]

16. The Working Group on Arbitrary Detention noted that the judicial system in Malta continued to be affected by lengthy delays in the administration of justice. The Working Group was of the opinion that efforts should be made by the judicial system to address those challenges, as well as the limited access individuals had to due process.[26]

17. In 2014, the Human Rights Committee expressed concern about restrictions on the right of persons deprived of liberty to have access to a lawyer, such as delays of up to 36 hours prior to such access and the prohibition of access to a lawyer during police interrogation.[27] In 2016, the Working Group on Arbitrary Detention noted with satisfaction that, according to the amendments to the Criminal Code, persons deprived of their liberty had been granted the right to access to a lawyer immediately after their arrest and during the first 48 hours of their detention, although that right did not apply to police interrogation.[28] The Human Rights Committee recommended that Malta adopt measures to ensure that all persons deprived of their liberty had proper access to a lawyer, including during police interrogation.[29]

18. In 2014, the same Committee expressed concern at reports of degrading living conditions in detention centres, including inadequate sanitary conditions and health-care services. It recommended that Malta improve the living conditions in detention centres on a sustainable basis.[30]

19. In 2016, the Working Group on Arbitrary Detention welcomed the measures adopted by the Government to improve the treatment of prisoners and detainees, such as by providing educational programmes, vocational training, mental health care and social services.[31]

20. In 2014, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment noted that the Board of Visitors of the Prison and the Board of Visitors for Detained Persons exercised the functions of national preventive mechanisms for the prevention of torture, but that those mechanisms faced several obstacles that hindered the full and effective implementation of their tasks. The failure to set out in detail the tasks and powers of the two Boards in their respective regulations hindered the national preventive mechanisms from undertaking the full range of functions required.[32] The Subcommittee was concerned at the weakness of the legal framework providing for the independent and effective functioning of the national preventive mechanisms.[33]

21. The Subcommittee noted that a variety of bodies monitored places of deprivation of liberty in Malta, in addition to the two national preventive mechanisms. That overlap could create confusion and duplication of work.[34] Moreover, the mandate of the national preventive mechanisms did not cover all places of deprivation of liberty and there were significant monitoring gaps.[35]

22. The Subcommittee recommended that Malta ensure that all types of place where persons were deprived of their liberty fell within the mandate of the national preventive mechanisms,[36] and that those mechanisms had full and unlimited access to all relevant

information and to all places of deprivation of liberty.[37] It recommended that Malta incorporate the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment into domestic law, and amend and enhance the existing legal framework establishing the national preventive mechanisms in a way that fully reflected the Optional Protocol, the Subcommittee's guidelines on national preventive mechanisms (CAT/OP/12/5) and the Paris Principles.[38]

23. Additionally, the Subcommittee recommended that Malta establish a transparent and competitive appointments procedure and consult with civil society organizations and other stakeholders prior to the selection of members of the national preventive mechanisms;[39] make membership a full-time and remunerated position;[40] and provide the mechanisms with appropriate resources and operational discretion regarding their use.[41]

3. Fundamental freedoms and the right to participate in public and political life

24. The Human Rights Committee was concerned about the criminalization of defamation and the fact that the Press Act did not define libel or defamation. It also regretted that title IV of the Criminal Code provided for crimes against religious sentiment and criminalized the vilification of the Roman Catholic apostolic religion and of other cults tolerated by law, which might undermine the rights to freedom of expression and freedom of religion. The Committee recommended that Malta guarantee freedom of expression and the freedom of the press, as enshrined in article 19 of the International Covenant on Civil and Political Rights and explained at length in the Committee's general comment No. 34 (2011). It also recommended that Malta consider decriminalizing defamation, and in any case restrict the application of criminal law to the most serious cases, and consider repealing title IV of the Criminal Code.[42] The United Nations Educational, Scientific and Cultural Organization (UNESCO) made a similar recommendation.[43]

25. In October 2017, several special procedure mandate holders sent a joint communication to the Government regarding the killing of Daphne Caruana Galizia, a prominent investigative journalist. They expressed concern that her killing had taken place in the context of her high profile work as an investigative reporter and that she might have been murdered because of her role in exposing illicit financial flows, such as tax evasion, corruption and money laundering, which had adverse human rights impacts and undermined the rule of law. The mandate holders were concerned at the chilling effect that such a killing might have on the watchdog role of the press in democratic society, deterring individuals from exercising their right to freedom of expression.[44] The Government responded to the joint communication.[45]

26. The special procedure mandate holders urged the Government to pursue a prompt and independent investigation into Ms. Caruana Galizia's killing and to take all possible steps to hold the killers accountable. Furthermore, given the impact the killing might have on other reporters, they urged Malta to take all possible steps to protect and support journalists working to uncover corruption and cover other matters of the highest public interest.[46] UNESCO made similar recommendations.[47]

4. Prohibition of all forms of slavery[48]

27. While welcoming the adoption of the Second National Action Plan on Combating Trafficking in Persons 2013–2014,[49] the Human Rights Committee was concerned about the low number of investigations and convictions relating to trafficking in human beings.[50] It recommended that Malta intensify its efforts to combat trafficking in persons, systematically investigate and prosecute perpetrators, and ensure that, when convicted, they were adequately sanctioned. It also recommended that Malta guarantee adequate protection, reparation and compensation to victims, including rehabilitation, and ensure that legal alternatives were available to victims who might face hardship and retribution upon removal.[51]

C. Economic, social and cultural rights

1. Right to an adequate standard of living[52]

28. The International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations noted the adoption of the National Strategic Policy for Poverty Reduction and Social Inclusion for 2014–2024, in which the Government affirmed its commitment to pursue social and economic policies and address the erosion of living standards by taking measures against poverty and social exclusion. The strategy focused on four groups: children, older persons, the unemployed, and the working poor, and on six key elements: income and social benefits, employment, education, health and environment, social services, and culture. The Committee requested the Government to provide information on the policy's impact, particularly on children, older persons, the unemployed and those in precarious employment.[53]

2. Right to health[54]

29. In 2014, the Human Rights Committee expressed concern about the general criminalization of abortion, which forced pregnant women to seek clandestine abortion services, putting their lives and health at risk. It was concerned that no exception was made when a woman's life was in danger or in the case of pregnancy resulting from rape or incest.[55]

30. The Committee recommended that Malta revise its legislation on abortion by making exceptions to the general ban on abortion for therapeutic purposes and when the pregnancy was the result of rape or incest. It recommended that Malta ensure that reproductive health services were accessible to all women and girls throughout the country, and that it increase the number and ensure the implementation of education and awareness-raising programmes at the formal level (in schools) and at the informal level (through the media and other means of communication) on the importance of using contraceptives and on sexual and reproductive health rights.[56]

31. In 2016, Malta informed the Human Rights Committee that, although abortion was considered illegal,[57] the authorities allowed for abortions when the mother's life was at risk, as in reality doctors observed the "double effect" principle. According to that principle, if a mother needed to be given treatment and as a result, the embryo or fetus was harmed, it was morally right to provide the treatment.[58]

3. Right to education

32. UNESCO noted the high rate of children discontinuing schooling after the completion of compulsory education at the age of 16. It also noted that in 2014, Malta had adopted a strategic plan aimed at reducing the number of children who left school early by 10 per cent by 2020.[59]

33. UNESCO noted that, while one of the goals of the framework for the education strategy for 2014–2024 was to reduce the gaps in educational outcomes between boys and girls, women appeared to be underrepresented at the tertiary educational level, in engineering, manufacturing, construction and other areas of study that remained gender-bound.[60]

D. Rights of specific persons or groups

1. Women[61]

34. While welcoming measures to prevent violence against women, including domestic violence, the Human Rights Committee was concerned about the low number of prosecutions of perpetrators of violence against women and children. It recommended that Malta intensify its efforts to eliminate violence against women and children, duly investigate cases of violence against them, establish a rehabilitation system for victims, provide access to justice for all women, increase the number of shelters with adequate

resources, and improve training on the matter for the staff of legal institutions and the police force.[62]

35. While welcoming measures to enhance the participation of women in the labour market and public life, the Human Rights Committee was concerned about their low representation in the political and public sectors, particularly in decision-making positions.[63] UNESCO noted that few women occupied high-level managerial positions, which suggested that there was a gap between high female achievement at university level and women's career opportunities and hierarchical position in the labour market.[64] The Human Rights Committee recommended that Malta increase women's participation in the public and private sectors, if necessary through appropriate temporary special measures.[65]

2. Children[66]

36. The Human Rights Committee welcomed the amendments to the Criminal Code aimed at prohibiting corporal punishment in all settings.[67]

37. The same Committee welcomed the amendments to the Criminal Code, increasing the age of criminal responsibility from 9 to 14 years old.[68]

38. However, the Working Group on Arbitrary Detention remained concerned that the Juvenile Court could hear matters involving children who were in conflict with the law only if they were under the age of 16, and that children aged between 16 and 18 years old were still being tried as adults and subject to criminal law and criminal courts for adults, in violation of the Convention on the Rights of the Child.[69] The Human Rights Committee expressed similar concerns.[70]

39. The Working Group on Arbitrary Detention recommended that Malta incorporate the Convention on the Rights of the Child into domestic legislation with regard to the scope of its juvenile justice system, and that it separate persons below the age of 18 from adults in correctional facilities and detention centres.[71] The Human Rights Committee urged Malta to uphold the right of children in conflict with the law to be treated in a way that promoted their integration into society, and to uphold the principle that detention and incarceration should be used as a last resort only.[72]

3. Persons with disabilities[73]

40. In 2014, the Human Rights Committee expressed concern at reports that persons who were blind or visually impaired were in some cases obliged to vote verbally in front of a group of people representing political parties and the electoral commissions.[74] In 2018, the Committee on the Rights of Persons with Disabilities inquired when Malta intended to withdraw its reservation to article 29 (i) and (iii) of the Convention on the Rights of Persons with Disabilities and to guarantee the rights of persons with disabilities, particularly persons with visual impairment and persons with intellectual impairment, to vote by secret ballot.[75]

41. The Human Rights Committee recommended that Malta ensure that it did not discriminate against persons with disabilities, particularly blind persons and persons with visual impairments, by denying or preventing them from exercising their right to vote by secret ballot.[76]

42. The ILO Committee of Experts noted the establishment of a 2 per cent employment quota for persons with disabilities in enterprises employing more than 20 workers. Employers that did not attain that statutory employment quota were requested to make an annual contribution calculated on the basis of the shortfalls. Employers who employed persons with disabilities were exempt from social security contributions for those workers. Nevertheless, the Committee of Experts noted that employers had reportedly resisted the employment quota for persons with disabilities and that the fines and penalties imposed on those that had not complied with the statutory quota were not high enough to deter violations.[77]

43. UNESCO noted information indicating that a high proportion of learners with disabilities and/or special educational needs attended mainstream schools. It encouraged Malta to continue its efforts to promote inclusive education for children with disabilities.[78]

4. Migrants, refugees and asylum seekers[79]

44. In 2014, the Human Rights Committee expressed concern that irregular migrants, including asylum seekers, were systematically detained upon arrival in Malta. It was also concerned at reports that migrants in a vulnerable situation were automatically detained and that they were not provided with free legal representation. It was further concerned that the length of detention could rise to 18 months for migrants in an irregular situation and to 12 months for asylum seekers. The Committee noted that the time limit for administrative detention for immigration purposes was not defined by law, and was concerned about the absence of an effective judicial remedy to review the lawfulness of detention.[80] In 2015, the Special Rapporteur on migrants expressed similar concerns.[81]

45. The Special Rapporteur on migrants noted that Hal Safi barrack, a detention centre that held irregular migrants, was located on a military base and subject to military jurisdiction. He was concerned that migrants were accommodated in military barracks.[82] The Working Group on Arbitrary Detention expressed similar concerns.[83]

46. Furthermore, in 2016 the Working Group on Arbitrary Detention had found migrants in an irregular situation and asylum seekers in the Corradino Correctional Facility, the main prison of the country. The Working Group observed that people in pretrial detention continued to be held together with convicts, in contravention of international norms.[84]

47. In 2014, the Human Rights Committee expressed concern about allegations of ill-treatment and excessive use of force by soldiers and police officers at detention centres for migrants, which in some cases included the use of tear gas and rubber bullets.[85]

48. In 2016, the Working Group on Arbitrary Detention took note of the legislative changes that had been introduced to reform the automatic nature of detention for migrants in an irregular situation, refugees and asylum seekers.[86] In 2018, UNHCR reported that legislative and policy amendments introduced in 2015 had prescribed ending automatic and mandatory detention, and provided for the creation of initial reception centres, thus putting an end to the policy of mandatory, blanket detention for all arrivals.[87] In 2016, Malta informed the Human Rights Committee about the reforms it had introduced to the migration detention system.[88]

49. UNHCR explained that the 2015 legislative changes had provided for alternatives to detention, detention order reviews and free legal aid to challenge one's detention. The initial reception centres applied measures of deprivation of liberty, usually for a maximum duration of seven days for the purpose of medical screening and other assessments. UNHCR reported that, in 2017, the initial reception centres had been converted from places of detention to open facilities, with the removal of detention features such as locked gates. Furthermore, detention on medical grounds was no longer being implemented arbitrarily.[89]

50. However, UNHCR remained concerned about the detention review process, particularly the ways in which assessments were conducted by Immigration Police, who often used grounds such as "risk of absconding" as a catch-all ground for detention.[90]

51. The Working Group on Arbitrary Detention recommended that Malta ensure that detention was applied when necessary, was reasonable in all circumstances, proportionate to a legitimate purpose, non-discriminatory and subject to judicial review, and that less restrictive measures were applied, such as bail, home curfew, deposit of documents, reporting conditions, community release or supervision-designated residence.[91] The Special Rapporteur on migrants [92] and the Human Rights Committee [93] made similar recommendations.

52. UNHCR recommended establishing without delay procedures to ensure the effective review of measures of deprivation of liberty.[94] Likewise, the Special Rapporteur on migrants recommended that Malta establish a fairer and simpler system for migrant detainees to be able to challenge expulsion and detention orders, and that it guarantee fully the right to free legal assistance in expulsion, detention and asylum procedures to all migrants and asylum seekers in primary legislation and secure it in practice in all situations of detention of migrants and asylum seekers.[95] The Human Rights Committee recommended that Malta scrupulously respect the principle of non-refoulement.[96]

53. Furthermore, the Working Group on Arbitrary Detention recommended that Malta extend free legal aid to migrants in an irregular situation, refugees and asylum seekers before the appeal stage of the review process. Such aid should not be limited to recourse before the Immigration Appeals Board, but rather extended to appeals before the civil, Constitutional and European Courts, as well as international human rights bodies.[97]

54. The Working Group highlighted the positive measures taken in relation to children and to migrants with psychosocial and intellectual disabilities. Children would no longer be detained. After registering their identity, their state of health and age were registered by the corresponding governmental agency and they would be transferred to special houses or placed in the care of foster families.[98] UNHCR made a similar observation.[99]

55. The Special Rapporteur on migrants recommended that Malta provide unaccompanied children with free, competent and effective guardianship to ensure proper decision-making in all proceedings concerning such children, as well as free legal representation, to assist in all immigration and asylum proceedings.[100]

56. UNHCR noted that material conditions in closed and open centres for asylum seekers, as well as the provision of psychosocial care, remained poor at all stages of the asylum process.[101] It recommended that Malta take immediate measures to improve material conditions in those centres, improve the infrastructure, organizational capacity and coordination of the government agencies involved in the reception system, and develop recreational activities for detainees at the reception centres.[102]

57. Furthermore, the Working Group on Arbitrary Detention stated that the authorities should facilitate the integration of migrants into society, mainly through labour and education programmes, but also through alternative housing. It recommended that Malta design long-term planning for people living in open centres and explore alternative placement options. It recommended that the Government work together with civil society organizations and religious bodies, which had ample experience in providing community-based placement, to create more opportunities for migrants, asylum seekers and refugees to reside in the community.[103]

58. UNHCR stated that Malta relied heavily on granting subsidiary protection as a form of international protection, with full refugee status being granted in very few cases. Beneficiaries of subsidiary protection lacked access to long-term integration paths, family reunification, other rights and full social benefits. They were entitled to "core welfare benefits" only, which was interpreted as being limited to social assistance. The Refugee Appeals Board was ineffective and often failed to identify persons who were in need of protection. UNHCR recommended that Malta improve asylum procedures so that refugees were properly recognized.[104]

59. UNHCR stated that although asylum seekers, refugees and beneficiaries of subsidiary protection enjoyed the right to free public education and training, they often lacked the financial means to pursue full-time education.[105] UNESCO encouraged Malta to continue its efforts to provide asylum seekers, refugees and migrants with effective access to education and to ensure that no chid was denied his or her right to education.[106]

60. Furthermore, UNHCR stated that asylum seekers and refugees encountered difficulties in accessing the labour market in practical terms. Access to employment was conditional upon employers' applications for work permits, which were issued in the employer's name, meaning that the asylum seekers were then tied to that particular employer.[107]

61. UNHCR referred to recent reports of cases of exploitation of beneficiaries of international protection by their employers.[108] Likewise, the Special Rapporteur on migrants noted that information had been received about the exploitation by employers in Malta of irregular migrants, asylum seekers and refugees, who refrained from protesting and mobilizing due to their fear of being detected, detained and deported. Migrant workers in an irregular situation were made to work long hours and paid less than the minimum wage. He noted that sanctions against those employers were rare.[109]

62. The Special Rapporteur on migrants recommended that Malta fully implement the European Employer Sanctions Directive, including by developing comprehensive measures

to penalize Maltese employers who abused the vulnerability of migrants by paying them low or exploitative wages.[110]

63. Furthermore, the Special Rapporteur on migrants recommended that Malta provide access to basic services, such as health care, to everyone living in Malta, regardless of their immigration status, in accordance with international human rights standards, and that it expedite the establishment of an integration unit that would focus on equality and non-discrimination for all, including for migrants and asylum seekers.[111]

64. UNHCR stated that institutional gaps persisted in relation to access to naturalization and citizenship, family reunification programmes and education, employment and social benefits, with a general impediment in accessing mainstream services. While recognized refugees became eligible for citizenship after 10 years of continued residency in Malta, persons granted local subsidiary protection status had to demonstrate 18 or 20 years of continued residency.[112]

65. Furthermore, UNHCR reported that, unlike recognized refugees, beneficiaries of subsidiary protection did not have access to family reunification.[113]

66. UNHCR recommended that Malta ensure that procedures regarding citizenship were more predictably accessible to all beneficiaries of international protection residing in Malta, with proper information and procedures put in place for remedy.[114] It also recommended that Malta facilitate the right to family unity and ensure access to family reunification programmes for all beneficiaries of international protection.[115]

5. Stateless persons

67. UNHCR stated that the Maltese Citizenship Act contained some provisions that were not in line with international standards on preventing or reducing statelessness. Children born in Malta to stateless parents or foreigners, who were unable to confer their nationality to children born abroad, enjoyed no definite safeguard to prevent their statelessness. Similarly, children born before 31 July 1989 to a Maltese mother and a foreign father were at risk of statelessness, as prior to that date only children born to male nationals automatically acquired nationality. The Citizenship Act provided that a stateless person could apply for a certificate of naturalization as a citizen of Malta under certain conditions.[116]

68. UNHCR recommended that Malta set up a statelessness determination procedure in order to ensure the identification of stateless persons in its territory, that it amend its national legislation and policies in order to prevent statelessness, and that it pay particular attention to the documentation and citizenship issues affecting children residing in Malta.[117]

Notes

1 Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Malta will be available at www.ohchr.org/EN/Countries/ENACARegion/Pages/MTIndex.aspx.
2 For relevant recommendations, see A/HRC/25/17, paras. 102.1–102.13, 102.20–102.21 and 102.25.
3 See CCPR/C/MLT/CO/2, para. 4.
4 See A/HRC/29/36/Add.3, para. 11.
5 Ibid., para. 108.
6 UNHCR submission for the universal periodic review of Malta, p. 5.
7 See letter dated 22 September 2015 from the Committee on the Elimination of Discrimination against Women addressed to the Permanent Mission of Malta to the United Nations Office and other international organizations in Geneva, p. 1. Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MLT/INT_CEDAW_FUL_MLT_21735_E.pdf. See also CEDAW/C/MLT/CO/4/Add.1, pp. 1–2.
8 See CCPR/C/MLT/CO/2, para. 6.
9 OHCHR, "Funding" and "Donor profiles" in *2017 Report*, pp. 79 and 131.
10 For relevant recommendations, see A/HRC/25/17, paras. 102.2, 102.28–102.32 and 102.38.
11 See CCPR/C/MLT/CO/2, para. 7.
12 See A/HRC/29/36/Add.3, para. 108, and CCPR/C/MLT/CO/2, para. 7.
13 For relevant recommendations, see A/HRC/25/17, paras. 102.26, 102.47, 102.50 and 102.57–102.66.

[14] See CCPR/C/MLT/CO/2, para. 8. See also para. 3 and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3297876:NO.
[15] See CCPR/C/MLT/CO/2, para. 9.
[16] See A/HRC/29/36/Add.3, para. 100.
[17] See CCPR/C/MLT/CO/2, para. 9. See also A/HRC/29/36/Add.3, para. 112 (b) and (c).
[18] See A/HRC/29/36/Add.3, para. 112 (d).
[19] See CCPR/C/MLT/CO/2, para. 9. See also A/HRC/29/36/Add.3, para. 112 (d).
[20] CCPR/C/MLT/CO/2, para. 3.
[21] Ibid., para. 10.
[22] Ibid., para. 10.
[23] For relevant recommendations, see A/HRC/25/17, paras. 102.88–102.90.
[24] See CRDP/C/MLT/Q/1, paras. 20 and 24.
[25] For the relevant recommendation, see A/HRC/25/17, para. 102.87.
[26] A/HRC/33/50/Add.1, p. 1 and para. 74.
[27] See CCPR/C/MLT/CO/2, para. 19.
[28] See A/HRC/33/50/Add.1, para. 75.
[29] See CCPR/C/MLT/CO/2, para. 19.
[30] Ibid., para. 18.
[31] See A/HRC/33/50/Add.1, para. 79.
[32] See CAT/OP/MLT/1, paras. 10 and 16.
[33] Ibid., para. 25.
[34] Ibid., para. 21.
[35] Ibid., paras. 13 and 21.
[36] Ibid., para. 23.
[37] Ibid., para. 34.
[38] Ibid., para. 26. See also A/HRC/29/36/Add.3, para. 108.
[39] Ibid., para. 28.
[40] Ibid., para. 30.
[41] Ibid., para. 32.
[42] See CCPR/C/MLT/CO/2, para. 22.
[43] See UNESCO submission for the universal periodic review of Malta, para. 19.
[44] See https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=23395.
[45] See https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=81881.
[46] See https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=23395.
[47] See UNESCO submission, para. 21.
[48] For relevant recommendations, see A/HRC/25/17, paras. 102.27 and 102.81–102.86.
[49] See CCPR/C/MLT/CO/2, paras. 3 and 15.
[50] Ibid., para. 15.
[51] Ibid.
[52] For the relevant recommendation, see A/HRC/25/17, para. 102.42.
[53] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3333630:NO.
[54] For relevant recommendations, see A/HRC/25/17, paras. 102.75–102.80, 102.99–102.100 and 102.102.
[55] See CCPR/C/MLT/CO/2, para. 13.
[56] Ibid.
[57] See CEDAW/C/MLT/CO/4/Add.1, p. 2.
[58] See letter dated 4 October 2016 from the Permanent Representative of Malta to the United Nations Office and other international organizations in Geneva addressed to the Human Rights Committee. Available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MLT/INT_CCPR_FCO_MLT_25521_E.pdf, pp. 1–2.
[59] See UNESCO submission, para. 16.
[60] Ibid., para. 13.
[61] For relevant recommendations, see A/HRC/25/17, paras. 102.51–102.55, 102.67–102.71 and 102.98.
[62] See CCPR/C/MLT/CO/2, para. 12.
[63] Ibid., para. 11.
[64] See UNESCO submission, para. 13.
[65] See CCPR/C/MLT/CO/2, para. 11.
[66] For relevant recommendations, see A/HRC/25/17, paras. 102.44, 102.72–102.73 and 102.91.
[67] See CCPR/C/MLT/CO/2, para. 3.
[68] Ibid., para. 3. See also A/HRC/33/50/Add.1, para. 17.

[69] See A/HRC/33/50/Add.1, para. 20.
[70] See CCPR/C/MLT/CO/2, para. 20.
[71] See A/HRC/33/50/Add.1, para. 91.
[72] See CCPR/C/MLT/CO/2, para. 20.
[73] For relevant recommendations, see A/HRC/25/17, paras. 102.103–102.105.
[74] See CCPR/C/MLT/CO/2, para. 21.
[75] See CRPD/C/MLT/Q/1, para. 36 (a).
[76] See CCPR/C/MLT/CO/2, para. 21.
[77] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3343297:NO.
[78] See UNESCO submission, para. 14 and p. 5, recommendation No. 1.
[79] For relevant recommendations, see A/HRC/25/17, paras. 102.46 and 102.106–102.134.
[80] See CCPR/C/MLT/CO/2, para. 16. See also A/HRC/33/50/Add.1, paras. 26–28.
[81] See A/HRC/29/36/Add.3, paras. 69–70.
[82] Ibid., para. 73.
[83] A/HRC/33/50/Add.1, p. 2.
[84] Ibid., para. 87.
[85] See CCPR/C/MLT/CO/2, para. 14.
[86] See A/HRC/33/50/Add.1, para. 83.
[87] UNHCR submission, p. 2.
[88] See letter dated 4 October 2016 from the Permanent Representative of Malta to the United Nations Office and other international organizations in Geneva addressed to the Human Rights Committee. Available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MLT/INT_CCPR_FCO_MLT_25521_E.pdf, pp. 2–3.
[89] UNHCR submission, p. 2. See also A/HRC/33/50/Add.1, para. 85.
[90] UNHCR submission, p. 3.
[91] See A/HRC/33/50/Add.1, para. 89.
[92] See A/HRC/29/36/Add.3, para. 110.
[93] See CCPR/C/MLT/CO/2, para. 16.
[94] UNHCR submission, p. 4.
[95] See A/HRC/29/36/Add.3, para. 111.
[96] See CCPR/C/MLT/CO/2, para. 17.
[97] See A/HRC/33/50/Add.1, para. 89. See also CCPR/C/MLT/CO/2, para. 17.
[98] See A/HRC/33/50/Add.1, para. 86. See also letter dated 4 October 2016 from the Permanent Representative of Malta to the United Nations Office and other international organizations in Geneva addressed to the Human Rights Committee. http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MLT/INT_CCPR_FCO_MLT_25521_E.pdf, pp. 2–3.
[99] UNHCR submission, p. 2.
[100] See A/HRC/29/36/Add.3, para. 111.
[101] UNHCR submission, p. 3. See also CCPR/C/MLT/CO/2, para. 18.
[102] UNHCR submission, p. 4.
[103] A/HRC/33/50/Add.1, p. 2 and para. 89.
[104] UNHCR submission, p. 4.
[105] Ibid., p. 3.
[106] See UNESCO submission, para. 15.
[107] UNHCR submission, p. 3.
[108] Ibid.
[109] See A/HRC/29/36/Add.3, paras. 95–96.
[110] Ibid., para. 112.
[111] Ibid.
[112] UNHCR submission, p. 2.
[113] Ibid., p. 2.
[114] Ibid., p. 3.
[115] Ibid.
[116] Ibid., p. 4.
[117] Ibid., p. 5.

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Summary of Stakeholders' submissions on Malta*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 9 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations[2] and cooperation with international human rights mechanisms and bodies[3]

2. The Platform of Human Rights Organisations in Malta (PHROM) recommended that Malta ratify the ICRMW, the OP-CEDAW, the OP-ICESCR and the OP-CRC-IC.[4]

3. Joint Submission (JS) 1 recommended that Malta withdraw its reservation to article 13 of the ICCPR and its reservations to the CEDAW.[5]

4. JS1, the Commissioner for Human Rights of the Council of Europe (CoE-Commissioner), and the PHROM recommended that Malta accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[6]

5. The CoE-Commissioner called on Malta to ratify the 1997 European Convention on Nationality.[7] The CoE-Commissioner encouraged Malta to accept the collective complaint system under the European Social Charter.[8]

6. The International Campaign to Abolish Nuclear Weapons (ICAN) recommended that Malta sign and ratify the United Nations Treaty on the Prohibition of Nuclear Weapons.[9]

* The present document was not edited before being sent to United Nations translation services.

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B. National human rights framework[16]

7. The PHROM stated that Malta had not yet established a national human rights institution that conformed to the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).[11] The Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe (CoE-ACFC) stated that the main human rights protection and promotion bodies, namely the National Commission for the Promotion of Equality and the Parliamentary Ombudsman Institution, remained weak. Proposals to strengthen their independence and mandates, with a view to making them compatible with the Paris Principles and Parliamentary Assembly Resolution 1959 (2013), had not been pursued.[12]

8. The PHROM and JS2 recommended that Malta establish a national human rights institution that conforms to the Paris Principles.[13] Likewise, the CoE-ACFC recommended that Malta strengthen independence and capacity of human rights institutions in line with the Paris Principles and Parliamentary Assembly Resolution 1959 in order to allow them to carry out their respective roles effectively.[14]

9. The PHROM recommended that Malta create an inclusive platform for effective civil society dialogue on issues of national importance.[15]

10. JS2 recommended that Malta work towards ensuring that the rule of law and good governance remain vital conditions for better protecting and promoting human rights and freedoms.[16]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[17]

11. The PHROM stated that although the prohibition of discrimination was enshrined in the Constitution and other legislation, there was no comprehensive protection against all forms of discrimination across all sectors. It noted that the proposed Equality Bill, whilst striving to achieving this comprehensive protection, has not yet been adopted and raised a number of concerns such as its relationship to other equality legislation (also in terms of definitions and redress mechanisms), a lack of specific discrimination grounds (e.g. political opinion/activity), a limited scope of application (police and judicial activities, sports activities and civic participation were excluded).[18] The PHROM recommended adopting equality legislation that protects all persons from all forms of discrimination in all sectors.[19]

12. The CoE-ACFC referred to reported cases of discrimination on the basis of race or ethnic origin in access to housing, employment and access to health care.[20]

13. The CoE-ACFC noted, in the absence of official data, that circumstantial evidence indicated cases of racially motivated crimes, bullying in schools, treating persons with a different skin colour as perpetrators of a crime, rather than victims or innocent bystanders. The internet and, in particular, social media had been reportedly rife with offensive content and continued to produce racist messages. The CoE-ACFC stated that the authorities appeared to have taken no steps to facilitate reporting on hate speech online.[21] Likewise, the PHROM stated that hate speech and hate crimes remained problematic.[22] It reported on verbal violence and racial abuse spreading on social media. It noted a positive development of two persons being fined for inciting racial hatred through racist comments posted in a public Facebook page in 2016.[23]

14. The European Union Agency for Fundamental Rights (EU-FRA) noted that the harassment of lesbian, gay, bisexual and transgender young persons in educational settings continued to persist, including verbal abuse, cyber bullying and physical violence.[24]

15. The CoE-ACFC recommended that Malta continue combating all forms of racism, intolerance and discrimination, establish a data collection system which would record the number of racist or ethnically motivated crimes and incidences of hate speech and set up specific monitoring and reporting mechanisms with regard to online hate speech.[25] The PHROM recommended that Malta bolster the resources of the Police Force, through increased budgetary allocation and capacity-building to enable it to effectively deal with hate crimes and hate speech.[26]

Development, the environment, and business and human rights[27]

16. JS3 stated that since the 2016 Panama Papers stories broke implicating several senior Maltese government officials in suspected money laundering, no formal police investigations had been launched into their role. Neither had police investigations been launched into serious corruption allegations surrounding the country's citizenship-by-investment scheme.[28]

17. The PHROM recommended that Malta adopt a zero-tolerance approach to corruption, kick-backs, favouritism and nepotism as well as ensure full transparency in public funds management, particularly when contracting service providers to government.[29] JS3 recommended that Malta invest in the training of law enforcement staff and develop greater resources to investigate and prosecute organised financial crime and corruption and to follow up on the work of investigative journalists and hive off the prosecutorial role of the Attorney General from its government advisory role to ensure an independent public prosecutor capable of acting in cases of corruption implicating individuals holding public office.[30]

2. Civil and political rights

Right to life, liberty and security of person

18. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) noted that the procedures for involuntary admission and on-going placement of a patient in a psychiatric facility provided clearly for an independent authority, the Commissioner for Mental Health and Older Persons, to verify that the involuntary placement was warranted. The CoE-CPT concluded that the possibility of legal aid should be provided for patients who wish to challenge their involuntary placement before a court in order to further enhance the safeguards in place.[31]

Administration of justice, including impunity, and the rule of law[32]

19. The Group of Experts on Action against Trafficking in Human Beings of the Council of Europe (CoE-GRECO) commended Malta for initiating a broad multi-stakeholder consultation for justice reform, which culminated in key changes to the Constitution, in 2016, by which the independence, impartiality and transparency of the judicial system, as well as self-responsibility within the profession, had been strengthened. The establishment of two independent committees for appointment and disciplinary procedures were key achievements in this respect. The CoE-GRECO stated that further action was required to improve the transparency of judicial complaints processes.[33]

20. The CoE-CPT found that while the right of access to a lawyer was enshrined in law, there remained various deficiencies in the law. It remained concerned by the fact that the right of access to a lawyer was still subject to important limitations. The concerns were two-fold: first, it remained the case that some detained persons were not allowed to have access to a lawyer during all stages of police questioning and secondly, access to a lawyer might be delayed for a period of up to 36 hours in certain circumstances.[34]

21. The CoE- CPT called again upon Malta to ensure that all persons detained by the police can effectively benefit from access to a lawyer throughout their police custody, including during any police questioning, and that the relevant provisions of the Criminal Code are amended accordingly.[35]

22. The CoE-CPT noted that the right of the detained person to request medical assistance was enshrined in law, which included the consultation of a medical doctor of

their own choice. Nevertheless, there was no immediate medical assistance onsite to be able to quickly and safely address any medical problems that might arise. In addition, the police custody staff were not trained in first-aid.[36]

23. The CoE-CPT recommended that Malta, inter alia, ensure that all police cells where persons may be held overnight are of a reasonable size for their intended occupancy (i.e. seven m^2 for single cells, and at least four m^2 per person in multi-occupancy cells) and that detained persons held in the multi-occupancy holding cells have ready access to drinking water and toilets.[37] Likewise, it recommended that Malta improve the living conditions at the Corradino Correctional Facility, including reducing the occupancy levels in multi-occupancy dormitories to ensure that each prisoner has at least $4m^2$ of living space and provide, until such time as ready access to potable water is assured, inmates with an appropriate amount of free drinking water.[38]

24. The CoE-CPT recommended ensuring that prisoners are formally entitled to appeal to an independent authority against any disciplinary sanctions imposed, irrespective of their duration and/or severity.[39]

25. The CoE-CPT recommended that Malta put in place policies to combat discrimination and exclusion faced by transgender persons in closed institutions and that those policies should be implemented by the prison. In particular, Malta should put in place a comprehensive anti-bullying strategy to reduce any incidences of inter-prisoner violence and intimidation, especially those directed against transgender prisoners.[40]

26. Furthermore, the CoE-CPT considered that transgender persons should either be accommodated in the prison section of the respective gender with which they self-identify or, if exceptionally necessary for security or other reasons, in a separate section. If accommodated in a separate section, they should be offered activities and association time with the other prisoners of the gender with which they self-identify.[41]

27. The CoE-CPT noted that the Board of Visitors for Detained Persons and the Board of Visitors for Prison were officially designated as the National Preventive Mechanism in 2007. The CoE-CPT considered that care should be taken to ensure that all elements of the National Preventive Mechanism structure and all the personnel concerned comply with the requirements laid down by the OP-CAT and the Guidelines established by the United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).[42]

28. The CoE-CPT noted that the two Boards could only monitor specific places of detention: the Prison Board could only monitor prison establishments, while the Board for Detained Persons could only monitor places of immigration detention. While the monitoring of all persons held in psychiatric facilities was carried out by the Mental Health Commissioner, this body did not form part of the National Preventive Mechanism. There was no regular independent monitoring being undertaken of police facilities or of its social care homes.[43]

29. The CoE-CPT recommended that Malta establish the legal mandate for relevant independent bodies to adequately access and monitor all the different types of places of deprivation of liberty, ensure that the National Preventive Mechanism has the necessary powers for its proper functioning, including the appropriate resources, access to all relevant documentation concerning ill-treatment allegations and the power to refer complaints of ill treatment to relevant external bodies. The National Preventive Mechanism should be endowed with the relevant functions to allow it properly to fulfil the requirements laid down by OP-CAT and the Guidelines established by the SPT.[44]

Fundamental freedoms and the right to participate in public and political life

30. JS3 reported that press freedom has deteriorated in Malta since 2013.[45] It referred to findings of 2017 indicating that basic protection of journalists had deteriorated since 2016.[46]

31. JS3 and the PHROM reported on the assassination of the investigative journalist and anti-corruption campaigner, Daphne Caruana Galizia on 16 October, 2017. The PHROM noted that her investigations were concerned allegations of institutionalised corruption and

governance malpractice, alleging serious violations at the highest levels of the government.[47]

32. JS3 noted with concern that defamation remained a criminal offence under article 252 of the Criminal Code. Prosecutions for defamation were generally only at the behest of the offended party. Additionally, JS3 was concerned with the following provisions of laws which threatened freedom of expression: imputing misconduct to government (article 75 of the Criminal Code), reviling judges and other public officials (article 93 of the Criminal Code), defamation and insult of the President (article 72 of the Criminal Code), imputing ulterior motives to the President (article 5 of the Press Act), seditious libel (article 74 of the Criminal Code) and insulting and showing contempt for the Maltese flag (article 5 of the Press Act).[48]

33. JS3 reported that the use of criminal libel laws was relatively common, including against the media. It noted that when independent columnist Daphne Caruana Galizia died, there were 47 libel suits against her.[49] JS3 stated that excessive use was made of strategic lawsuits against public participation by senior government figures and economically powerful individuals to harass and intimidate journalists into silence by forcing them to make repeated court appearances and pay highly exorbitant legal fees.[50]

34. JS3 welcomed the fact that Malta repealed its criminal blasphemy provisions in 2016. The Government announced, in February 2017, plans to repeal criminal libel. JS3 recommended that Malta review the draft Media and Defamation Act, bring it in line with the recommendations outlined in the analysis of the Organisation for Security and Co-operation in Europe (OSCE) Representative of Freedom of Media and enact it without further delay.[51]

35. Furthermore, JS3 recommended that defamation be decriminalised and that Malta, in the interim, ensure that excessive fines and other harsh penalties for criminal defamation never be available as a sanction for breach of defamation laws, no matter how egregious or blatant the defamatory statement.[52] It recommended that the authorities, inter alia, make unequivocal public statements against firms who seek to use strategic lawsuits against public participation measures against Maltese journalists through jurisdictions outside the European Union and develop the capacity of the judiciary to more effectively identify, examine and where necessary, dismiss strategic lawsuits against public participation.[53]

36. JS3 recommended that Malta adequately address all concerns expressed by civil society organisations and Daphne Caruana Galizia's family related to the independence and effectiveness of the investigation into her assassination.[54]

37. JS3 referred to the reported several indicators of high risk for media pluralism, including the lack of political independence of media and the lack of independence of public service media governance and funding. It explained that political parties hold an extensive media ownership and that the appointment procedures for Malta's Public Broadcasting Service and the Broadcasting Authority did not guarantee independence from political interference.[55] It recommended that Malta, inter alia, seek to ensure that a sufficient variety of media outlets provided by a range of different owners, both private and public, is available to the public, taking into account the characteristics of the media market, notably the specific commercial and competition aspects.[56]

38. The Office for Democratic Institutions and Human Rights of the OSCE (OSCE/ODIHR) stated that its 2017 report concluded that Malta's early parliamentary elections of 2017 were held in a professional and efficient manner, with electoral stakeholders expressing confidence in most stages of the process, but aspects of the legal framework could benefit from further review. While welcoming Malta's recent reforms on the frameworks for political and campaign finance, the report of the OSCE/ODIHR underscored that some provisions for the reporting of donations and expenditures could be further strengthened to foster greater transparency, allay public concerns about possible corruption and make the reporting system more effective. Other recommendations included: reforming provisions for assisted voting in order to ensure ballot secrecy, adopting legislation to allow prisoners to vote, and the introduction of explicit provisions allowing for citizen and international election observations.[57]

Prohibition of all forms of slavery[58]

39. The CoE-GRETA noted that Malta remained a country of destination for victims of trafficking in human beings.[59] It noted the second and third national action plans against trafficking in human beings. The CoE-GRETA considered that Malta should ensure that the budget allocated to action against human trafficking is adequate to cover all actions needed to combat human trafficking and should continue involving civil society actors in anti-trafficking work and should allocate appropriate funding to non-governmental organisations for the purpose of supporting victims of trafficking in human beings.[60]

40. The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (CoE-CP) welcomed the expansion of the legal definition of trafficking in human beings to include forced labour and activities associated with begging among the purposes of exploitation, specifying the irrelevance of the victim's consent to the intended or actual exploitation.[61] The CoE-GRETA, while welcoming the measures taken by Malta to prevent trafficking in human beings for the purpose of labour exploitation, considered that those efforts should be intensified, including by further sensitising relevant officials about trafficking for the purpose of labour exploitation and the rights of victims, and working closely with the private sector, in line with the Guiding Principles on Business and Human Rights.[62]

41. The CoE-CP welcomed the steps taken to put in place a National Referral Mechanism and the efforts made to provide training on human trafficking to a range of professionals, thereby increasing capacity to identify victims. It also welcomed the further development of the legal framework for providing assistance to victims of trafficking through the adoption of a new Victims of Crime Act. The CoE-CP recommended that Malta step up its efforts to provide assistance, including safe accommodation, which is adapted to the specific needs of victims of trafficking.[63] The CoE-GRETA and the CoE-CP recommended removing the need to co-operate with the authorities as a pre-condition for being granted a recovery and reflection period and establishing the minimum duration of the recovery and reflection period at 30 days.[64]

42. Furthermore, the CoE-CP recommended improving the identification and assistance of child victims of trafficking and introducing as an aggravating circumstance the offence of trafficking in human beings committed against a child, regardless of the means used.[65]

43. The CoE-GRETA and the CoE-CP recommended ensuring that crimes related to human trafficking are investigated, prosecuted and adjudicated promptly and effectively, including by providing regular training to judges and prosecutors on human trafficking and the rights of victims and encouraging the development of specialisation among judges and prosecutors.[66]

3. Economic, social and cultural rights[67]

44. The PHROM recommended that Malta consider ensuring the justiciability of economic, social and cultural rights.[68]

Right to social security

45. The PHROM recommended that Malta increase the minimum wage for it to reflect cost of living in Malta and/or explore alternative measures to reduce poverty.[69]

Right to health[70]

46. The CoE-CPT noted that Mount Carmel Psychiatric Hospital continued to serve both as a mental health facility treating patients with acute and chronic mental health disorders and a social care home for those in need of assisted care. The development of appropriate structures for care in the community should be pursued. The living conditions in most of the wards were generally acceptable. Nevertheless, the CoE-CPT made a number of recommendations inter alia to render the dormitories less austere and reduce the occupancy levels therein and to improve access to the outdoors.[71] JS2 noted with concern the lack of investment in psychiatric hospital Mount Carmel. It recommended that Malta improve mental health services.[72]

47. JS2 recommended that Malta create guidelines for mental health education for all levels of education in order to educate youth against the stigmatisation of mental health issues and provide awareness on the provision of counselling in the educational system.[73]

48. The CoE-Commissioner observed that women's sexual and reproductive health and rights remained sensitive issues and that abortion remained a taboo issue in public debates. The very restrictive domestic legislation that criminalised abortion in a blanket manner jeopardised the full enjoyment by women of a number of their human rights. At the same time, women who decide to end their pregnancy travel to European countries to obtain safe abortion services or undergo illegal abortion at home. He noted that this situation led to a de facto discrimination between women who could afford to travel abroad for this purpose and those who could not. Thus, the current prohibition regime need to be addressed through an open and informed public debate leaving no space for stigmatisation or threats to those engaged therein.[74] The ADF International reported on issues related to abortions.[75]

49. The CoE-Commissioner recommended that appropriate measures be adopted in order to decriminalise abortion and facilitate access to safe and legal abortion care on a woman's request in early pregnancy, and thereafter throughout pregnancy in order to protect every woman's health and life and to ensure freedom from ill-treatment.[76]

50. JS2 recommended that Malta formulate a holistic policy on sexual education, which includes an expert taskforce of educators in secondary schools and incorporate both formal and non-formal education, and further invest in high quality sexual health clinics and services.[77]

Right to education

51. The PHROM identified the lack of human rights education and the lack of sensibility towards the core human rights values of equality, human dignity, civic participation, mutual respect, transparency and social responsibility throughout Malta's education. It recommended that Malta include human rights components in the national curriculum and amend the educational approach for it to foster critical thinking, active citizenship and inclusive communities.[78]

4. Rights of specific persons or groups

Women[79]

52. The CoE-Commissioner noted, in 2017, that the Gender-Based Violence and Domestic Violence Bill pending in parliament was formulated in a gender-neutral way, and did not make any specific reference to women. Although men, too, could be victims of domestic violence, in the vast majority of cases the victims were women and girls. He considered that the link between gender inequality and violence against women should be clearly reflected in the aforementioned Bill, possibly in its preamble, as well as in the implementation instruments.[80]

53. The CoE-Commissioner noted a series of obstacles to the effective implementation of the existing legislative framework on domestic violence. One such obstacle was the inadequate reporting of domestic violence, sometimes as a result of a reported lack of trust on the part of victims in the police force's commitment to effectively investigating such cases. Other obstacles reportedly were: lack of social support provided at the initial stages of these procedures at police stations and reluctance of certain judges to effectively sanction perpetrators, especially in cases where victims declare in court that they "forgive" the reported acts of violence. He hoped that the gender- based violence and domestic violence strategy and action plan launched by the Minister for European Affairs and Equality would address those issues and ensure full and effective implementation of the legislative framework.[81]

54. The CoE-Commissioner invited Malta to pay particular attention to obstacles to the issuance of protection orders by courts. He also urged Malta to make sure that all law enforcement officers, prosecutors and judges dealing with domestic violence are provided with training in an on-going and systematic manner.[82]

55. In this respect, the CoE-Commissioner also noted a reported shortage of places in women's shelters and urged the government to address it. The CoE-Commissioner highlighted the need for allocating more financial resources to social care provided to victims of domestic violence by both civil society organisations and state services.[83]

56. The OSCE/ODIHR noted a decrease in women's representation in the Parliament, which currently stands at 11.9 percent. It encouraged Malta to consider special temporary measures to advance women's participation in decision making and to introduce specific measures to promote women's participation in politics.[84]

Children[85]

57. The EU-FRA noted that the government introduced, for the first time, a child supplement allowance into the 2015 National Budget.[86] At the same time, it reported, in 2017, that the proportion of children at risk of poverty or social exclusion has increased.[87]

58. The CoE-CPT was concerned about the practice of placing children exhibiting challenging behaviour in a closed psychiatric facility. It recommended that more robust procedures be put in place to prevent such placements.[88]

Persons with disabilities[89]

59. The EU-FRA stated that Malta had moved to formalise the participation of persons with disabilities in decision-making by amending a number of legal acts to provide for persons with disabilities' membership of the governing authorities of different public entities. The Parliament also passed legislation that made mandatory the inclusion of at least one person with disabilities within governmental boards.[90]

60. Furthermore, the EU-FRA stated that the Government's approach to adopting regulations that affect persons with disabilities represents good practice with respect to engaging in consultations and dialogues with civil society. The Committee for a Right Society, which was composed of persons with disabilities and their relatives, representatives of persons with disabilities and other experts, designed the first National Disability Policy for Malta (2014).[91]

61. The EU-FRA noted that the Parliament passed the Sign Language Act (2015), which made sign language an official language.[92] However, the PHROM noted that the translation of the law into effective services appeared to be still unsuccessful.[93]

Migrants, refugees and asylum seekers[94]

62. The CoE-Commissioner encouraged Malta to support and promote human rights awareness campaigns in order to tackle negative perceptions and stereotypes that affect migrants.[95]

63. In 2013, the European Commission against Racism and Intolerance (CoE-ECRI) recommended that the authorities provided non-custodial alternatives to detention and refrained from resorting to the detention of migrants and asylum seekers unless it was strictly necessary in the particular circumstances of an individual case.[96] The PHROM reported that Malta revised, in 2015, its administrative detention regime, whereby detention was no longer an automatic and mandatory consequence of the irregular entry or presence of migrants.[97]

64. Likewise, the CoE-ECRI noted, in 2016, that the amendments were made to the Immigration Act and to the Reception of Asylum Seekers Regulations. Consequently, asylum seekers could only be detained after a detention order was issued by the Principal Immigration Officer following an assessment of the case. Detention could be ordered for one or more reasons which were set out in an exhaustive list. The amended regulations also set out specific alternatives to detention for asylum seekers. Asylum applicants could not be kept in detention for more than nine months.[98] However, the CoE-ECRI noted that as concerns other migrants ("prohibited immigrants") against whom a return decision had been taken and a removal order issued, the Immigration Act set out that they might be detained in custody until removed from Malta.[99]

65. The PHROM expressed concern at on-going practices, namely migrants were not provided with information on the reasons for their detention and on the possibility to challenge the legality of their detention in a language that they understood, or in the presence of an interpreter, and at physical conditions within the detention centres remained substandard and undignified.[100]

66. In 2013, the CoE-ECRI recommended that Malta amended the asylum procedure so as to ensure free legal aid as from the outset of the asylum procedure, in particular at the time when the preliminary questionnaire was filled in, the asylum seeker's access to his/her case file; and a right in all cases to appear before the Refugee Appeals Board at the appeals stage.[101] In 2016, the CoE-ECRI reported that free legal aid was only provided at the appeal stage of the asylum procedure. As for access to the case file, CoE-ECRI noted information indicating that asylum seekers have experienced difficulties in accessing their case files. While asylum seekers had access to their case files in theory, this did not always happen in practice.[102]

67. The CoE-Commissioner noted that many of migrants and beneficiaries of international protection continued to remain in reception centres because of a lack of affordable housing. He urged Malta to give full effect to Article 31 of the European Social Charter, guaranteeing the right to housing, and Article 16 of the Charter concerning the right of the family to social, legal and economic protection, by taking appropriate measures to improve public housing schemes and to eradicate discrimination that migrants may face in their access to housing. The CoE-Commissioner called on Malta to accept Article 19 of the Charter concerning specifically the right of migrant workers and their families to protection and assistance.[103] Similarly, the PHROM recommended that Malta improve the living conditions in the open centres and consider adopting a long term plan aimed at shutting them down and resorting to a community-based approach to housing.[104]

68. The CoE-CPT noted positively that since 2014 unaccompanied and separated children as well as families with children were no longer detained in military detention centres. Instead, they were placed in special open immigration reception centres in Dar il-Liedna and Dar is-Sliema. It also noted information about the establishment of an Initial Reception Centre in Hal Far intended to accommodate minors and families for up to 15 days following their arrival in Malta.[105]

69. The CoE-Commissioner stated that distinctions concerning entitlement to social security benefits between refugees and beneficiaries of other forms of international protection should be removed. He invited Malta to give effect to Article 13(4) European Social Charter so that all foreign nationals, be they legally present or in an irregular situation, are entitled to emergency medical and social assistance.[106]

70. The CoE-Commissioner stated that beneficiaries of subsidiary protection were not entitled to family reunification under Maltese law. Laws and policies that clearly disadvantaged persons with subsidiary protection might be ill-founded and discriminatory. He urged Malta to put an end to this form of unfair distinction and establish family reunification procedures able to guarantee flexibility, promptness and effectiveness in order to secure all international protection holders' right to respect for family life.[107]

71. While mentioning access of long-term residents to citizenship as a major factor of migrant integration, the CoE-Commissioner noted with concern that naturalisation applications were considered only if the applicants had resided in Malta for more than 18 years which was clearly excessive. In addition, the naturalisation process has been reportedly lengthy and non-transparent, while decisions were not subject to judicial review. He called on Malta to facilitate migrants' access to citizenship.[108]

Stateless persons

72. JS1 stated that Malta had no mechanism to identify and determine statelessness. Stateless persons were vulnerable to arbitrary detention. There was limited disaggregated population data on statelessness and there was no stateless category in the census. JS1 stated that there were some safeguards in domestic laws to prevent statelessness, but the implementation was problematic and there were some gaps.[109]

73. JS1 reported that there was a provision for children born stateless in Malta to acquire citizenship after five years' residence, but this provision was little-known and there were no reports of it ever having been used. There was a safeguard against statelessness in adoption case.[110]

74. JS1 recommended that Malta implement a Statelessness Determination Procedure in order to comply with the 1954 Convention, and ensure that the procedure is fair, effective and accessible to all persons in Malta regardless of their legal status. It recommended adding the categories 'stateless' and 'unknown nationality' in national census exercises. JS1 recommended that Malta ensure that stateless persons or persons at risk of statelessness are not subjected to arbitrary detention because of their status.[111]

75. JS1 recommended that Malta ensure that all children born in its territory or to a Maltese parent, are guaranteed without discrimination their right to a nationality, including by removing the five-year legal residence requirement and putting concrete measures in place to fully implement the legal safeguard so that no child is born stateless in Malta.[112] The CoE-GRETA made a similar recommendation.[113]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
ADF International	Alliance Defending Freedom International (Geneva) Switzerland.

Joint submissions:

JS1	**Joint submission 1 submitted by**: Aditus Foundation (Malta) the Institute on Statelessness and Inclusion (The Netherlands) and the European Network on Statelessness (United Kingdom);
JS2	**Joint submission 2 submitted by**: the Maltese National Youth Council (Malta) and the European Youth Forum (Belgium);
JS3	**Joint submission 3 submitted by**: Article 19 (United Kingdom), English Pen (United Kingdom); PEN International, International Press Institute (Austria) and Reporters Sans Frontières (France);
PHROM/JS4	**Joint submission 4 submitted by**: the Platform of Human Rights Organisations, a network of over 30 human rights NGOs (Malta).

Regional intergovernmental organization(s):

CoE	The Council of Europe, Strasbourg (France); Attachments: (CoE-Commissioner Letter of 5 December 2017) Letter of the Commissioner for Human Rights to the Prime Minister of Malta, 5 December 2017, Strasbourg; (CoE-Commissioner Letter of 14 December 2017) Letter of the Commissioner for Human Rights to the Minister for Home Affairs and National Security of Malta, 14 December 2017, Strasbourg; (CoE-ECRI) European Commission against Racism and Intolerance's conclusions on the implementation of the recommendations in respect of Malta subject to interim follow-up, adopted on 30 June 2016, CRI (2016) 39; (CoE-GRETA) - Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Malta, Second

	Evaluation Round, Strasbourg, adopted on 2 December 2016; GRETA (2017) 3; (CoE-CP) Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, Recommendation CP (2017) 3 on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Malta, adopted on 10 March 2017; (CoE-ACFC) Advisory Committee on the Framework Convention For The Protection Of National Minorities, Strasbourg, Fourth Opinion on Malta adopted on 14 October, 2016 ACFC/OP/II (2016) 009; (CoE-CPT) Report to the Maltese Government on the visit to Malta by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 3 to 10 September 2015, CPT/Inf (2016) 25; (CoE-GRECO) Compliance Report on Malta, Fourth Round Evaluation, Corruption Prevention of members of parliament, judges and prosecutors, adopted by the Group of States against Corruption on 24 March, 2017, GrecoRC4 (2017) 5;
EU-FRA	European Union Agency for Fundamental Rights, Vienna (Austria);
OSCE/ODIHR	Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, Warsaw, Poland.

[2] The following abbreviations are used in UPR documents:

OP-ICESCR	Optional Protocol to International Covenant on Economic, Social and Cultural Rights;
ICCPR	International Covenant on Civil and Political Rights;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
OP-CAT	Optional Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CRC-IC	Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

[3] For relevant recommendations see A/HRC/25/17, paras. 102.1, 102.6 – 102.24.
[4] PHROM, paras. 22 and 23.
[5] JS1, paras. 31 (III) and 31 (IV). See also PHROM, para. 20.
[6] JS1, para. 31 (I), CoE-Commissioner Letter of 14 December 2017, p. 2 and PHROM, para. 21.
[7] CoE-Commissioner Letter of 14 December 2017, p. 2.
[8] CoE-Commissioner Letter of 14 December 2017, p. 1.
[9] ICAN, p. 1.
[10] For relevant recommendations see A/HRC/25/17, paras. 102.2, 102.28 – 102.33, 102.38, 102.39.
[11] PHROM, para.14.
[12] CoE-ACFC, p. 1, Summary. See also paras. 17-19.
[13] PHROM, para. 40 and JS2, para. 4.6.
[14] CoE-ACFC, p. 1, see also para. 21.
[15] PHROM, para. 25.
[16] JS2, para. 4.6.
[17] For relevant recommendations see A/HRC/25/17, paras. 102.26, 102.33 – 102.37, 102.47, 102.50, 102.57- 102.66.
[18] PHROM, para.15.
[19] PHROM, para.32.
[20] CoE-ACFC, para.28. See also EU-FRA, pp. 8-9.
[21] CoE-ACFC, para. 27.
[22] PHROM, para. 3.
[23] PHROM, paras. 4- 5. See also EU-FRA, p. 4.
[24] EU-FRA, p. 11.
[25] CoE-ACFC, p. 1 and paras. 29 and 30. See also PHROM, para. 27.
[26] PHROM, para. 26.

[27] For relevant recommendations see A/HRC/25/17, paras. 102.39 and 102.48.
[28] JS3, para. 26.
[29] PHROM, paras. 30 and 31.
[30] JS3, p. 7.
[31] CoE-CPT, Executive summary, p. 8.
[32] For relevant recommendations see A/HRC/25/17, paras. 102.87, 102.88, 102.89, 102.90.
[33] CoE-GRECO, para. 52.
[34] CoE-CPT, para. 18.
[35] CoE-CPT, para. 19.
[36] CoE-CPT, para. 20.
[37] CoE-CPT, paras. 28 and 30.
[38] CoE-CPT, para. 58.
[39] CoE-CPT, para. 86.
[40] CoE-CPT, para. 57.
[41] CoE-CPT, para. 53.
[42] CoE-CPT, paras. 10 and 11.
[43] CoE-CPT, para. 12. See also para. 26.
[44] CoE-CPT, para. 12.
[45] JS3, para. 2.
[46] JS3, para. 27.
[47] PHROM, para. 13 and JS2 para. 2.
[48] JS3, paras. 3 and 8.
[49] JS3, para. 9.
[50] JS3, para. 16.
[51] JS3, para. 12 and p. 4.
[52] JS3, p. 4. See also OSCE/ODIHR, p. 2.
[53] JS3, p. 4.
[54] JS3, p. 7.
[55] JS3, paras. 27 - 28.
[56] JS3, p. 8.
[57] OSCE/ODIHR, pp. 1-2.
[58] For relevant recommendations see A/HRC/25/17, paras. 102.27, 102.81 – 102.86.
[59] CoE-GRETA, para. 12.
[60] CoE-GRETA, paras. 22, 24, 25 and 170.
[61] CoE-CP, para. 1.
[62] CoE-GRETA, para. 56.
[63] CoE-CP, paras. 1-2.
[64] CoE-GRETA, para. 110 and CoE-CP, para. 2.
[65] CoE-CP, para. 2. See also CoE-GRETA, paras. 102 and 139.
[66] CoE-CP, para. 2 and CoE-GRETA, para. 155.
[67] For relevant recommendations see A/HRC/25/17, paras. 102.42.
[68] PHROM, para. 24.
[69] PHROM, para. 34.
[70] For relevant recommendations see A/HRC/25/17, paras. 102.75 – 102.80, 102.99, 102.100 and 102.102.
[71] CoE-CPT, Executive Summary, p. 8.
[72] JS2, paras. 3.2 and 3.4.
[73] JS2, para. 3.4.
[74] CoE-Commissioner Letter of 5 December 2017, p. 2.
[75] ADF International, paras. 3-14 and 18.
[76] CoE-Commissioner Letter of 5 December 2017, p. 2.
[77] JS2, para. 2.5.
[78] PHROM, paras. 8 and para. 28.
[79] For relevant recommendations see A/HRC/25/17, paras. 102. 51 - 102. 55, 102.67 – 102.71 and 102.98.
[80] CoE-Commissioner Letter of 5 December 2017, p. 1.
[81] CoE-Commissioner Letter of 5 December 2017, p. 1.
[82] CoE-Commissioner Letter of 5 December 2017, pp. 1-2.
[83] CoE-Commissioner Letter of 5 December 2017, p. 2.
[84] OSCE/ODIHR, pp. 2 and 4.
[85] For relevant recommendations see A/HRC/25/17, para. 102.72.
[86] EU-FRA, p. 6.

[87] EU-FRA, p. 5.
[88] CoE-CPT, Executive Summary, p. 8.
[89] For relevant recommendations see A/HRC/25/17, paras. 102.103 – 102.105.
[90] EU-FRA, pp. 7-8.
[91] EU-FRA, p. 7.
[92] EU-FRA, p. 8.
[93] PHROM, para. 6.
[94] For relevant recommendations see A/HRC/25/17, paras. 102.41, 102.106 – 102.134.
[95] CoE-Commissioner Letter of 14 December 2017, p. 1.
[96] CoE-ECRI, p. 5.
[97] PHROM, para. 18. See also CoE-CPT, para. 33.
[98] CoE-ECRI, p. 5.
[99] CoE-ECRI, p. 5.
[100] PHROM, para. 18.
[101] CoE-ECRI, p. 6.
[102] CoE-ECRI, p. 6.
[103] CoE-Commissioner Letter of 14 December 2017, p. 1.
[104] PHROM, para. 36.
[105] CoE-CPT, para. 34.
[106] CoE-Commissioner Letter of 14 December 2017, p. 1.
[107] CoE-Commissioner Letter of 14 December 2017, p. 2.
[108] CoE-Commissioner Letter of 14 December 2017, p. 2.
[109] JS1, paras. 12 -16 and 24 - 26.
[110] JS1, para. 27.
[111] JS1, para. 31.
[112] JS1, para. 31.
[113] CoE-GRETA, para. 62.